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Tuesday, 15th February 1955.

The House met in the Assembly Chamber, Government Estate, Mount Road, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER :—" We will take up Question No. 702 on the 21st."

Minimum wages for industrial workers.

* 703 *Q.*—SRI N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether Sri Venkataramiah had given an award during 1948 fixing minimum wages for industrial workers ; and

(*b*) the industries that pay wages according to that award?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Sri M. Venkataramiah gave an award in 1948 in the dispute between the workers and the managements of Motor Transport Services and Motor Transport Workshops recommending certain scales of pay for each class of employees in the Motor Transport Industry. No minimum wages for industrial workers in general were fixed under the award.

" (*b*) The award lapsed on 13th June 1950."

SRI N. K. PALANISAMY :—" இந்த அடிப்படைச் சம்பளத்திற்குக் குறைவாகப் பலயிடங்களில் டிரைவர்களுக்கும், க்ளீனர்களுக்கும் சம்பளம் கொடுக்கப்பட்டு வருகின்றது என்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா ? மேலும் பர்மெனன்ட் செய்யாமலேயே பலயிடங்களில் டிரைவர்களை வைத்துக்கொண்டிருக்கிறார்கள். ஆகவே குறைந்த பட்ச சம்பள விகிதத்தையும், ம்ற்ற வசதிகளையும் அவர்களுக்கு ஏற்படுத்திக் கொடுக்க சர்க்கார் என்ன ஏற்பாடு செய்யப்போகிறார்கள் என்று அறிய விரும்புகிறேன்."

THE HON. SRI M. BHAKTAVATSALAM :—" அம்மாதிரி அரசாங்கத்திற்குப் புகார்கள் வந்தால் அதற்கு வேண்டிய நடவடிக்கையை சர்க்கார் எடுத்துக்கொண்டு வருகிறார்கள்."

SRI K. P. GOPALAN :—" May I know from the Hon. Minister whether Government have accepted any of the recommendations made by Sri Venkataramaiah? "

THE HON. SRI M. BHAKTAVATSALAM :—" It is an award, Sir, and not a recommendation. The award was carried out."

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Medical College for Kozhikode.

* 704 *Q.*—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government received any representation in October 1954 from Kozhikode asking for the establishment of a Medical College at Kozhikode; and

(*b*) if so, the action taken thereon?

THE HON. SRI A. B. SHETTY :—" (*a*) Yes, Sir.

" (*b*) The President, Indian Medical Association, Malabar Branch, Kozhikode, has been informed that it is not possible to consider at present the question of opening a Medical College at Kozhikode."

SRI T. C. NARAYANAN NAMBIAR :—" In view of the fact that the building of the Headquarters Hospital was constructed in anticipation of sanction of a Medical College and some money was spent on that, and also in view of the fact that the Malayalee nation is put at a disadvantage by not having a Medical College, will the Government see that a Medical College is sanctioned at least in the coming year? "

THE HON. SRI A. B. SHETTY :—" A programme of Reconstruction of District Headquarters Hospitals is being executed year after year and the reconstruction of the Malabar District Headquarters Hospital is a part of this programme. It is not in connexion with the establishment of a Medical College at Kozhikode that this hospital reconstruction work was done."

SRI M. NARAYANA KURUP :—" There was a proposal to establish a Medical College at Coimbatore. May I know whether that proposal would be put through, so that while the College may be situated in Tamilnad, Malabar being a border area might also have the benefits of that College? "

THE HON. SRI A. B. SHETTY :—" Government have no proposal to start a Medical College at Coimbatore. It is only the people of the place that were talking about it."

SRI C. H. KANARAN :—" മലബാറിൽനിന്നു ധാരാളം വിദ്യാർത്ഥികൾ മെഡിക്കൽ കോളേജിൽ ചേരാൻവേണ്ടി അപേക്ഷിച്ചിട്ടും പല കാരണങ്ങളാലും സീററു കിട്ടാൻ നിവൃത്തിയില്ലാത്ത നിലയാണുള്ളതു്. മലബാറിലെ വിദ്യാർത്ഥികളുടെ പഠിക്കാനുള്ള ആഗ്രഹത്തെ മനസ്സിലാക്കിക്കൊണ്ടു് എത്രയും വേഗത്തിൽ അവിടെ ഒരു മെഡിക്കൽ കോളേജു് സ്ഥാപിക്കാൻ നടപടി എടുക്കുമോ? "

SRI T. C. NARAYANAN NAMBIAR (translation) :—" Are the Government aware of the fact that for want of a Medical College in Malabar students from that area are put to difficulties and do not get proper facilities and conveniences for getting medical education? If so, will Government see that the proposal to open a Medical College there is put through expeditiously? "

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THE HON. SRI A. B. SHETTY :—" Sir, admission to the Medical Colleges is made on district-war basis. Malabar students are getting fair and adequate representation on population basis."

SRI P. K. GOPALAKRISHNAN :—" Will the Government give an assurance that if at all a Medical College is to be opened in the future in this State, that college will be located at Kozhikode? "

THE HON. SRI A. B. SHETTY :—" If the Central Government provide funds for starting a Medical College during the Second Five-Year Plan period, this matter may be considered."

SRI S. RAMALINGAM :—" Is there any proposal to open a Medical College in any other place in the State, Sir? "

THE HON. SRI A. B. SHETTY :—" The hon. Gentleman may be well aware of the proposal made by Dr Alagappa Chettiar for opening a Medical College for which he will give substantial contributions. A Committee has been appointed for this purpose and they will make a report on this matter."

SRI M. NARAYANA KURUP :—" Sir, the Hon. Minister was pleased to say that the claims of Malabar will be considered if the Central Government would come forth with their grant or subsidy. I wish to know whether all the Medical Colleges now existing in the State were established with Central Government subsidy or help? "

THE HON. SRI A. B. SHETTY :—" No, Sir, Government are now having the first Five-year Plan of development. The Second Five-year Plan will commence in about a year or so and the Central Government are expected to give aid for starting more medical colleges."

SRI R. V. SWAMINATHAN :—" Sir, may I know the functions of the Committee that is said to have been appointed by the Government? Have they been asked to ascertain whether a Medical College is necessary or not, or have they been asked to select a site for the location of the college . . . ? "

MR. SPEAKER :—" That has nothing to do with the main question. If the Hon. Minister is prepared to answer, I have no objection."

SRI R. V. SWAMINATHAN :—" My question arises out of the reply given by the Hon. Minister, Sir. Has the Committee been asked to find out whether Karaikudi or Tanjore would be suitable for locating the College? "

THE HON. SRI A. B. SHETTY :—" Sir, the Committee will go round and say at which place there are facilities for the college to be established. They will also give us an estimate of the requirements in regard to finances, buildings, equipment and the staff needed for establishing a Medical College and a teaching hospital."

11-10 a.m. SRI S. SWAYAMPRAKASAM :—" The Hon. Minister was pleased to state that a Committee has been appointed to visit and select places like Tanjore and Karaikudi. Can the committee select any place other than those two places? "

THE HON. SRI A. B. SHETTY :—" It can select any other place."

SRI V. BALAKRISHNAN :—" Is it not a fact that the majority of seats in the existing medical colleges are monopolized by students from the Malabar district? "

THE HON. SRI A. B. SHETTY :—" Malabar could not have had such monopoly at any time."

SRI K. P. GOPALAN :—" The Hon. Minister has stated that if the Central Government provide funds for starting a medical college at Kozhikode, it will be done. Since this matter is left to the Central Government, may I know from the Hon. Minister whether he or this Government is prepared to recommend to them the starting of a medical college at Kozhikode with their funds? "

THE HON. SRI A. B. SHETTY :—" Proposals for the Second Five-Year Plan have not yet been formulated."

East and West Eleri Road.

* 705 *Q.*—SRI M. NARAYANAN NAMBIAR : Will the Hon. the Minister for Local Administration be pleased to state the steps taken by the Government to construct a road through the villages of East Eleri and West Eleri joining the Udayanchat-Kunnamkai road in Kasaragod taluk, South Kanara district?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" There is no proposal to construct a road through the villages of East Eleri and West Eleri joining the Udayanchat–Kunnamkai road in Kasaragod taluk, South Kanara district. But, the work of forming a road from West Eleri to join the Udayanchat–Kunnamkai road has been included in the Five-Year Plan of road development and it will be taken up for execution in its turn in the Plan."

SRI M. NARAYANAN NAMBIAR :—" The villages mentioned in the question comprising an area of about 55 square miles with a population of about 7,000 have no communication facilities

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at present. There is a private road about 12 miles in length and it has not been repaired at all. Will the Government come forward to take up that road at least for the present?''

THE HON. SRI S. S. RAMASAMY PADAYACHI :—'' It is for the District Board to consider the question of forming that road.''

Loan to steel and iron industries.

* 706 *Q.*—SRI N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state whether any steel and iron industries have ever been given loans under the State Aid to Industries Act?

THE HON. SRI M. BHAKTAVATSALAM :—'' No, Sir.''

SRI N. K. PALANISAMY :—'' இந்த இரும்பு எஃகு தொழிற்சாலைகளுக்கு பணம் கொடுககவில்லையென்று கனம் மந்திரி அவர்கள் சொன்னார்கள். ஏன் கொடுக்கவில்லை ? எந்த அடிப்படையின் கீழ் இந்தப் பணம் கொடுக்கப்படுகிறது என்பதை மந்திரி அவர்கள் சொல்லுவார்களா ?''

THE HON. SRI M. BHAKTAVATSALAM :—'' உற்பத்தி செய்வதும் தொழில் நடத்துவதும் ஒரு விஷயம். அது பற்றி கேள்வி கேட்கப்பட்டு அதற்கு இல்லை என்று பதில் சொன்னேன். ஆனால் இரும்பு எஃகு சாமான்களை செய்வதற்கு 6 கம்பெனிகள் கடன் கேட்டார்கள். அந்தக் கடன் கொடுக்கப்படவில்லை.''

SRI M. KALYANASUNDARAM :—'' ஷோரனூரில் ஒரு தொழிற்சாலை ஆரம்பிக்கப்பட்டு மூடப்பட்டது. அதற்கு சர்க்கார் எவ்வளவு கடன் கொடுத்திருக்கிறார்கள் ?''

THE HON. SRI M. BHAKTAVATSALAM :—'' இந்தக் கேள்வி பின்னால்வருகிறது. அப்பொழுது பதில் சொல்லுவேன். 1½ லட்சம் ரூபாய் கடன் கொடுக்கப்பட்டது என்று நினைக்கிறேன். அதை மூடிவிட்டார்கள், இன்னும் திறக்கவில்லை.''

SRI M. JAGANNATHAN :—'' May I know whether these loans are interest-bearing loans and if so, what is the rate of interest?''

THE HON. SRI M. BHAKTAVATSALAM :—'' I would like to have notice, Sir.''

SRI V. R. NAGARAJAN :—'' May I know whether any applications were received at all by the Government for aid to the iron and steel industry this year or last year?''

THE HON. SRI M. BHAKTAVATSALAM :—'' I would like to have notice, Sir.''

Irrigation tank at Veerakkan village.

* 707 *Q.*—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there was a proposal to undertake repairs to the irrigation tank at Veerakkan village;

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(b) whether any investigation was made and estimates prepared; and

(c) if so, the reasons for the delay in undertaking the work?

THE HON. SRI M. A. MANICKAVELU :—" (a) & (b) Yes, Sir.

" (c) A revised estimate has been called for from the concerned Minor Irrigation Overseer and the work has not been started as the revised estimate is still pending sanction."

Irrigation Schemes for Pudukkottai.

* 708 *Q.*—SRI V. BALAKRISHNAN : Will the Hon. the Minister for Public Works be pleased to state the present stage of consideration of the Irrigation Schemes mentioned by the Hon. Minister for Public Works in his answer to Starred Question No. 134, dated 25th November 1952?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Of the four schemes mentioned, the two across the Vellar have since been dropped, as the cost of construction of permanent anicuts was found to be prohibitive and the present practice of the ryots themselves putting up temporary anicuts is found to be more suitable and economical. In regard to the scheme across the Aniar near Sinayakudi the Chief Engineer has been asked to examine the availability of supplies of water and formulate a scheme to give the best possible results. As for the Karambakudi scheme, the Chief Engineer has been asked to submit complete proposals for Government's consideration without any avoidable delay."

Amendment of the Shops and Establishments Act.

* 709 *Q.*—SRI N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether Sri Subrahmanyam, I.C.S. (Special Officer) has made any recommendations for the amendment of the Shops and Establishments Act of 1947; and

(b) if so, what are the recommendations?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) Yes, Sir.

" (b) An extract of the Special Officer's report [a] containing suggestions for the amendment of the Madras Shops and Establishments Act is placed on the table of the House."

SRI N. K. PALANISAMY :—" ஸ்ரீ சுப்ரமணியம் அவர்கள் செய்திருக்கும் சிபார்சுகளை எப்பொழுது அமுலாக்கப்போகிறார்கள்? மத்திய சர்க்கார் இதற்காக சட்டம் ஒன்று கொண்டுவருவதாக மந்திரி அவர்கள் சொல்லுவார்கள், அப்படி மத்திய சர்க்கார் சட்டத்தைக் கொண்டுவருவதாகயிருந்தால் எப்போதுதான் அதைக் கொண்டுவரப்போகிறார்கள் என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பாரா ? அந்தச் சட்டம் வராமல் போனால் இந்த சர்க்கார் என்ன நடவடிக்கை எடுக்கும் ?"

[a] Printed as Appendix I on pages 581–585 infra.

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THE HON. SRI M. BHAKTAVATSALAM :—" இதற்கு வேண்டிய சட்டம் மத்திய அரசாங்கத்தில் உருவாக்கப்பட்டுவருகிறது. சீக்கிரமே அந்தச் சட்டம் வரும் என்று எதிர்பார்க்கிறேன். அந்த சட்டம் கொண்டுவராமல் போனுல் என்ன நடவடிக்கை எடுப்பது என்பதைப் பற்றி இந்த சர்க்கார் ஆலோசிக்கும்."

SRI M. KALYANASUNDARAM :—" மத்திய சர்க்கார் எப்போது சட்டம் கொண்டுவருவார்கள் என்பதுபற்றி மந்திரி அவர்கள் நிச்சயமாக சொல்வ தற்கில்லேயென்று சொன்னுர்கள். இந்த ஸ்பெஷல் ஆபீசர் செய்து இருக்கும் சிபார்சுகளிலுள்ள லாரி டிரைவர்களுக்கும் லாரிகளில் வேலே செய்யும் சிப்பந்திக்கும் ஷாப் சட்டத்தில் அமுல் நடததும் யோசனையை கவனிப்பார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" சீக்கிரத்தில் மத்திய சர்க்கார் ஒரு சட்டம் கொண்டுவரப்போகிருர்கள் என்று இதற்கு முன்னே சொன்னேன். அதன் முடிவு சீக்கிரத்திலே தெரியவரும். அவ்வாறு தெரிவதற்கு தாமதம் ஏற்பட்டால் கனம் அங்கத்தினர் யோசனையைப் பரிசீலனே செய்ய சர்க்கார் முன்வரும்."

SRI S. RAMALINGAM :—" இந்த சட்டத்தின் கீழ் தொழிலாளர்கள் தங்களுக்கு சேரவேண்டிய சம்பளபாக்கிக்காக சிவில் கோர்ட்டுக்கு போகவேண்டியதாயிருக்கிறது. Payment of Wages Act மூலமாக அத்தகராறுகளேத் தீர்ப்பதற்கு சிபார்சு செய்வார்களா? இதற்கு சர்க்கார் உடனடியாக நடவடிக்கை எடுப்பார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" இதைப்பற்றி சர்க்கார் கவனிப்பார்கள்."

SRI C. KANDASAMY :—" மத்திய சர்க்கார் மாகாண சர்க்காரின் அபிப்பிராயததைக் கூறும்படியாக கேட்டிருக்கிருர்களா ? அப்படியிருந்தால் இந்த சர்க்கார் செய்து இருக்கும் சிபார்சு என்ன ?"

THE HON. SRI M. BHAKTAVATSALAM :—" மத்திய சர்க்கார் சட்டத்தை உருவாக்கிக்கொண்டிருக்கிருர்கள் என்று சொன்னேன். உருவாக்கிய பிறகு இந்த சர்க்காரின் யோசனையைக் கேட்டால் அப்போது தெரிவிக்கிறேம்."

SRI K. P. GOPALAN :—" May I know from the Hon. Minister whether the Government will be pleased to consult the employees' unions before sending the proposals regarding the new Bill to the Central Government?"

THE HON. SRI M. BHAKTAVATSALAM :—" I am afraid that I cannot give an undertaking to the hon. Member that we shall consult the employees' unions in respect of this matter because it would mean further delay. But anyhow I shall welcome suggestions by hon. Members of this House and representatives of workers' unions in this matter."

MR. SPEAKER :—The next question (No. 710) will be taken up on the 21st instant."

SRI S. RAMALINGAM :—" In that question the name of the village has not been put down correctly."

MR. SPEAKER :—" The hon. Member can raise that point when we take up that question on the 21st instant."

Andimadam-Ponparappi road.

* 711 *Q.*—Sri K. R. VISWANATHAN: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether the Government have any proposal regarding the formation of a road in Udayarpalayam taluk between Andimadam and Ponparappi connecting the villages Kangushi, Ayyur, Ediyakurichi and Kodukkur; and

(*b*) if so, when it will be given effect to?

The Hon. Sri S. S. RAMASAMY PADAYACHI:—" (*a*) & (*b*) The question of forming two roads in Udaiyarpalayam taluk, Tiruchirappalli district, namely, (1) from Andimadam to Kodukkur *via* Kangushi, and Ayyur and (2) from Idaiyakkurichi to Kodukkur will be considered in connexion with the second Five-Year Plan. As there is already a road from Kodukkur to Ponparappi *via* Variyangaval, a direct road from Kodukkur to Ponparappi is not an immediate necessity."

Trade disputes.

* 712 *Q.*—Sri N. K. PALANISAMY: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of trade disputes reported to Government for adjudication in this State during 1953–54; and

(*b*) how many of them were settled and how many are still pending?

11-20 a.m. The Hon. Sri M. BHAKTAVATSALAM:—" (*a*) Three hundred and sixty-six Industrial disputes were reported to Government during the year 1953–54.

" (*b*) One hundred and thirteen disputes were settled by conciliation, 124 were referred for adjudication, 120 were refused adjudication and the remaining 9 disputes are pending as on 15th November 1954."

Sri N. K. PALANISAMY:—" சில டிஸ்பூட்டுகள் இரண்டு வருஷங்களாகியும் கன்சிலியேஷனில் தீர்க்கப்டாமலிருக்கின்றன. உதாரணமாக கோயம்பத்தூர் எம். டி. எஸ். மோட்டார் தொழிலாளர் சங்கம் முதலிய ஸ்தாபனங்கள் அட்ஜுடிகேஷனுக்கு விட்டும்கூட விசாரணை செய்து அவார்டுகள் கொடுக்கப்படவில்லை. கிட்டத்தட்ட இரண்டு வருஷங்களாக தீர்க்கபடாமலிருக்கின்றன. ஒரு குறிப்பிட்ட காலத்திற்குள் கன்ஸிலியேஷன் தீர்ப்பளிக்கவேண்டும் என்றுஅதற்குத் தக்க சட்டம் செய்வார்களா என்பதையும் கேட்க விரும்புகிறேன் "?

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

15th February 1955]

THE HON. SRI M. BHAKTAVATSALAM :—" இப்பொழுது இருக்கும் சட்டப்படி ஒரு முறை அட்ஜுடிகேஷனுக்கு அனுப்பிவிட்டால் அதன் பிறகு அதில் சர்க்கார் தலையிடுவதற்கு இடமில்லை. அந்தச் சட்டத்தை மாற்றவேண்டுமென்றும் அம்மாதிரி மாற்றுவதும் சரியா யென்றும் யோசிக்கவேண்டியதாக இருக்கிறது. மத்திய சர்க்காரும் இண்டஸ்டிரியல் டிஸ்பூட்களுக்கு ஒரு திருத்தச் சட்டம் சீக்கிரத்தில் கொண்டு வந்து நிறை வேற்ற ஏற்பாடு செய்து கொண்டிருக்கிறார்கள்."

SRI M. KALYANASUNDARAM :—" தொழில் தகராறுகளை அட்ஜுடிகேஷனுக்கு விடுவதற்கு ஏதாவது சர்க்காருக்கு கொள்கைகள் இருக்கின்றனவா? அப்படியிருந்தால் என்ன கொள்கைகள்? அதைப் பற்றி தெரிவிக்கமுடியுமா?"

THE HON. SRI M. BHAKTAVATSALAM :—" சர்க்கார் அனுசரிக்கும் கொள்கை தகராறை கோர்ட்டின் தீர்ப்புக்கு விடுவதற்கு அதை முன் பரிசீலனை செய்து தொழிலாளர்கள் பாதுகாக்கப்பட வேண்டிய விஷயமா என்பதை உணர்ந்து தொழிலாளர்களுக்கு பலன் ஏற்படுமானால் அதை கோர்ட்டுக்கு விடலாம். அனுவசியமாக தொழிலாளர்களை வழக்குகளில் ஈடுபடச் செய்யக்கூடாது என்பது சர்க்காருடைய முக்கியமான கொள்கை. இதைத்தான் அரசாங்கம் கையாளுகிறது."

SRI S. RAMALINGAM :—" சென்ற வருஷத்தில் 124 கேஸ்கள் அட்ஜுடிகேஷனுக்கு விடப்பட்டன என்று கனம் மந்திரி கூறினார். அவைகளில் எத்தனை கேஸுகளுக்கு தீர்ப்புகள் கொடுக்கப்பட்டிருக்கின்றன? எத்தனை கேஸ்களில் தீர்ப்புகள் கிடைத்து அவைகளை அமுலுக்கு கொண்டு வந்திருக்கிறார்கள். எத்தனை கேஸ்களின் பேரில் அமுல் நடத்தப்படவில்லை."

THE HON. SRI M. BHAKTAVATSALAM :—" அதற்கு தனியாக ஒரு கேள்வி போட்டுக் கேட்கவேண்டுமென்று சொல்லிக்கொள்ளுகிறேன்."

Loans to ryots in Malabar under National Extension Service Scheme.

* 713 *Q.*—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the total amount allotted for granting loans to the ryots of Malabar under the National Extension Service Scheme in 1954; and

(*b*) the amount actually spent under this head so far?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) The total amount allotted for granting loans to the ryots of Malabar under National Extension Service Scheme for 1954–55 is Rs. 3,70,000.

" (*b*) The amount actually spent so far is Rs. 72,395."

SRI K. MADHAVAN NAMBIAR :—" Sir, is it a fact that loans are granted to agriculturists only up to fifteen times their land revenue assessment? If so, will the Government be pleased to relax the rules?"

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I would like to have notice."

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Co-operative Motor Transport Service for Malabar.

* 714 *Q.*—Sri T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar) : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government have received any representations from the North Malabar Motor Workers' Union asking for facilities for running a Co-operative Motor Transport Service; and

(*b*) if so, the action taken thereon?

The Hon. Sri A. B. SHETTY :—" (*a*) & (*b*) It is presumed that the hon. Member is referring to the petition, dated 5th October 1954, of the General Secretary of the Malabar Motor Transport Employees' Union requesting permission to start a Co-operative society for the motor workers of Malabar. The request was examined in consultation with the Registrar of Co-operative Societies and it was not found possible to comply with the request. Hence the petition was rejected."

Dr. K. B. MENON :—" Sir, may I know what has been the experience of the Government in regard to the Ex-Servicemen's Motor Transport Co-operative Society that has been functioning in Malabar? "

The Hon. Sri A. B. SHETTY :—" Sir, the motor transport society already started in Malabar is under liquidation because it was working at a great loss."

Sri R. V. SWAMINATHAN :—" What is the view of the Government in regard to these co-operative transport societies started by ex-servicemen and other people? Is it a fact that the transport services of these co-operative institutions are being closed one by one because they are not able to run the services efficiently? "

The Hon. Sri A. B. SHETTY :—" Yes, Sir. Two ex-servicemen's co-operative transport societies in Madurai and Tanjore were also liquidated. In spite of very liberal financial help from the Post-war Reconstruction Fund, it has not been possible to stabilise these societies and continue to work them."

Sri T. C. NARAYANAN NAMBIAR :—" Sir, the Hon. Minister in his reply said that the request of the Malabar Motor Transport Workers' Union to grant them facilities to run bus services was rejected on the recommendation of the Registrar of Co-operative Societies. May I know on what grounds the Registrar of Co-operative Societies recommended to the Government to reject the application of these motor workers?"

The Hon. Sri A. B. SHETTY :—" The application was rejected because the society already started and working in Malabar has not been successful and it has been running at a great loss."

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SRI M. NARAYANA KURUP :—" Sir, these co-operative societies have not been able to function effectively and profitably because there is killing competition from private owners. Now, the Government are working their own transport system with some profit because they have some sort of a monopoly. In the light of this, will the Government consider the question of granting monopolies to these co-operative societies over certain routes so that the public may be benefited and the co-operative movement may also improve? "

THE HON. SRI A. B. SHETTY :—" Sir, there is no such proposal."

SRI R. V. SWAMINATHAN :—" Sir, arising from the answer given to my question, I would like to ask of the Hon. Minister whether the Government have gone into the reasons for the failure of these co-operative transport societies inasmuch as the District Collectors are the Presidents of these societies. Have the Government examined why these societies are not able to function efficiently? "

THE HON. SRI A. B. SHETTY :—" Sir, a separate question may be asked."

SRI M. KALYANASUNDARAM :—" Sir, the Hon. Minister was saying that a number of co-operative societies dealing in motor transport had to be liquidated. Our experience is that private operators are making very good profits out of this industry. Why is it then that these co-operative societies alone should fail in spite of financial aid received from outside also? Have the Government enquired into the causes as to why these societies alone should fail and, if so, what are the results? "

THE HON. SRI A. B. SHETTY :—" It may be due partly to competition and partly also to bad management."

SRI T. C. NARAYANAN NAMBIAR :—" The Hon. the Minister in answering my question was kind enough to state that the reason for the rejection of the application of the Malabar Motor Workers' Union was that co-operative motor transport service was not a profitable concern. May I know how, even before the formation of this society applied for by the motor workers of Malabar, it could be elicited that it would run at a loss? As a matter of fact, the request was to give facilities for forming such an organization and to facilitate the running of a motor transport service."

THE HON. SRI A. B. SHETTY :—" The co-operative transport society already working in the district for a number of years was working at a loss. Ex-servicemen's Motor Transport Societies elsewhere also were proved failures."

SRI S. SWAYAMPRAKASAM :—" The Hon. Minister said that certain co-operative transport societies had to be liquidated because they were not working satisfactorily. The hon. Member Sri M. Narayana Kurup said that if monopoly over certain routes

were given to these societies they might work successfully and the Hon. Minister said that there was no such proposal. I would like to know from the Government whether, in these circumstances, they would consider the possibility of giving certain monopolies to co-operative societies so as to enable them to work successfully?"

THE HON. SRI A. B. SHETTY :—" Sir, I do not think it is desirable to give such a monopoly."

SRI M. NARAYANA KURUP :—" Sir, the committees that had gone into the working of the co-operative movement in every field had reported that the co-operative institutions had been a failure but, nonetheless, they have expressed the opinion that the future lies in co-operation only. Therefore, will the Government consider how co-operation can be made successful in this sphere as well as in other spheres?"

THE HON. SRI A. B. SHETTY :—" Sir, that co-operative institutions in every field have been a failure is an assumption which is unwarranted."

Grant from Handloom Cess Fund to South Arcot.

11-30 a.m. * 715 *Q.*—SRI A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the amount of "Handloom Cess Fund" allotted for the Madras State in the year 1953–54; and

(*b*) the amount utilized for the benefit of the weavers attached to the co-operative societies in South Arcot district?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Rs. 90,55,884 of which Rs. 43,67,925 was for loans and Rs. 46,87,959 was for grants.

" (*b*) The amounts utilized for the benefit of weavers of co-operative societies in the South Arcot district are as follows :—

	AMOUNT.		
	RS.	AS.	P.
1. Loans for working capital	87,000	0	0
2. Loans to weavers for share capital ...	35,501	4	0
3. Subsidy to recoup the rebate allowed to consumers of handloom cloth	10,851	11	0
4. Cost of Senior Inspectors of Co-operative Societies for supervision of the societies ...	4,242	5	0
5. Cost of dyer to a society	276	10	0
Total ...	1,37,871	14	0

SRI S. RAMALINGAM :—" செஸ் பண்டிலிருந்து நூல் நூற்கும் ஆலே ஒன்றை அமைக்கப்போவதாக ஒரு திட்டம் ஏற்கனவே இருந்ததே அந்தத் திட்டப்படி ஆலே ஆரம்பிக்கப்பட்டு விட்டதா ? ஆரம்பிக்கப்பட்டு விட்டது என்றால் அந்த ஆலே எவ்வளவு நூல் உற்பத்தி செய்துகொண்டு வருகிறது ?"

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THE HON. SRI M. BHAKTAVATSALAM :—" அதுபற்றி தனியாக ஒரு கேள்வி போட்டால் நான் பதில் அளிக்கிறேன்."

SRI N. K. PALANISAMY :—" செஸ் பண்டிலிருந்து ஒதுக்கி வைத்த பூராப் பணத்தையும் இன்னும் செலவிடாமல் இருப்பதற்குக் காரணம் என்ன ?"

THE HON. SRI M. BHAKTAVATSALAM :—" செஸ் பண்டு இருந்தாலும் அதை நல்ல வழியில் பயன் படுத்திக்கொள்ளவேண்டும் என்ற யோசனையிலேதான் சர்க்கார் இருந்துவந்து இருக்கிறது. சீக்கிரத்தில் செஸ் பண்டு பூராவையும் நல்ல வகையில் உபயோகப் படுத்திக்கொள்ள சர்க்கார் முன்வரும்."

SRI V. BALAKRISHNAN :—" Out of the 43 lakhs for loans stated by the Hon. Minister, has any part of the loans been recovered from the members?"

THE HON. SRI M. BHAKTAVATSALAM :—" I do not think there is now the question of recovery of the loan."

SRI A. RATNAM :—" தென்னாற்காடு மாவட்டத்தில் நெசவாளர் ஐக்கிய நாணயச் சங்கத்திலிருந்தாலும் அதன் மூலம் உதவி பெறுவதற்கு எத்தனை தனிப்பட்டவர்கள் மனுச்செய்துகொண்டார்கள் ? எத்தனை தனிப்பட்டவர்களின் மனுக்கள் தள்ளுபடி செய்யப்பட்டன ? அப்படி அவர்களுக்கு கொடுக்காததற்கு பிரத்யேகமான காரணங்கள் இருந்தால் அவை என்னவென்று கனம் மந்திரி அவர்களால் கூறமுடியுமா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" இது பற்றி வேறு ஒரு கேள்வி போட்டால் பதிலளிக்க முடியும்."

SRI M. KALYANASUNDARAM :—" கடந்த இரண்டு வருஷங்களில் செஸ் நிதியிலிருந்து நமது ராஜ்யத்திற்கு இரண்டு கோடி ரூபாய் ஒதுக்கி யிருக்கிறார்கள். அதில் எவ்வளவு உபயோகப்படுத்தப்பட்டிருக்கிறது ? இன்னும் பாக்கித் தொகை எவ்வளவு இருந்துகொண்டு இருக்கிறது. பாக்கி யிருக்கக்கூடிய தொகையிலிருந்து கூட்டுறவு இலாக்காவின் மூலம், கூட்டுறவு சொஸைட்டிகளுக்குப் பண உதவி செய்ய அது உபயோகப்படுத்தப்படுமா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" இதுபற்றி தனியாக ஒருகேள்வி போட்டால் நான் விபரமாகப் பதிலளிக்க முடியும்."

Medical mission to Agathi islands.

* 716 *Q.*—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Health be pleased to state with reference to Question No. 567 answered on 7th May 1954, the achievements of the medical mission sent to Agathi island in the Laccadives group, Malabar?

THE HON. SRI A. B. SHETTY :—" A copy [a] of the detailed report [a] on the dysentery epidemic in Agathi and Kavarathy islands sent by the Assistant Surgeon on 11th September 1954 is placed on the table of the House."

SRI M. NARAYANA KURUP :—" Sir, the report shows that the epidemic broke out in the third week of January and subsided by the end of March and the medical help reached only by the end

[a] Printed as Appendix II on pages 585—589 infra.

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of March, that is, a day after the fair. May I know why when the epidemic was raging for the last two months, no help was sent to the place immediately? "

THE HON. SRI A. B. SHETTY :—" Sir, the report about the dysentery in Agathi island came in the month of March. Immediately the medical officer who is in Kavarathy island was asked to proceed there. He could not reach the place at once as the wind was unfavourable and it took some time for him to reach there. As soon as he reached there, he took the necessary measures for controlling the epidemic."

SRI T. C. NARAYANAN NAMBIAR :—" The medical officer deputed was in a position to be in the island only for about five days, though the epidemic had taken a heavy toll of the lives of people there; he himself has stated that the islands of Agathi and Kavarathy were in the clutches of virulent diseases like small-pox, etc. The medical officer was helpless and could not render medical aid. Taking all these into consideration, he has recommended to the Government the establishment of a dispensary in the island permanently so that the forlorn islanders may be helped. Are the Government prepared to accept this recommendation? "

THE HON. SRI A. B. SHETTY :—" Sir, the Government have under consideration a proposal to start a dispensary in the island."

SRI S. DAIVASIGAMONEY :—" Has this medical mission computed the number of deaths due to this attack of dysentery? "

THE HON. SRI A. B. SHETTY :—" The statement laid on the table of the House gives the available information."

SRI K. M. SEETHI SAHIB :—" May I know whether the Government will expedite the establishment of good means of communications in these islands in view of the very sad experience we have had and in view of the helplessness of medical aid for want of easy means of communications and consequent large number of mortality? "

THE HON. SRI A. B. SHETTY :—" The hon. Gentleman will know that the Governor also paid a visit to these islands and he has sent a note regarding the facilities for communications and this matter is under consideration."

SRI K. KUNHI MOHAMED SHAFEE :—" Sir, since the main reason for this epidemic is stated in the report to be that of malnutrition because, for six months of the season, the people in the islands have to go without foodgrains and another reason stated in the report is the bad condition of water. Considering these factors, will the Government consider the desirability of supplying sufficient foodgrains and good drinking water for the islanders? "

THE HON. SRI A. B. SHETTY :—" Sir, the Collector of Malabar has sent on one occasion 44 bags of rice and also clothes for free distribution to the poor people there. He was again sending another consignment of rice, Sir."

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SRI M. NARAYANA KURUP :—" Sir, the report suggests that there must have been staggering deaths in the period of two months when the epidemic was virulent. On my perusal, there is no reference to casualty during this period. I wish to know whether it is an accidental omission or a deliberate hiding? "

THE HON. SRI A. B. SHETTY :—" Probably, the medical officer who went there was not able to collect figures regarding mortality."

SRI A. APPU :—" Sir, the report of the medical officer shows that besides dysentery, there were other serious diseases in the island and the doctor says that he had no medicines with him. There is a general complaint that in the hospitals and dispensaries in the islands, sufficient stocks of medicines are not kept. Will the Government be pleased to send all sorts of medicines to these dispensaries? "

MR. SPEAKER :—" All sorts of medicines? "

THE HON. SRI A. B. SHETTY :—" Sir, when a medical officer is posted, after a dispensary has been started there, the required medicines will be made available."

* 717 *Q.*—SRI K. C. GOPALAN UNNI : Will the Hon. the Minister for Health be pleased to state—

(*a*) the details of the report submitted by the doctors deputed to go into the prevalence of dysentery in the Laccadive Islands in March 1954; and

(*b*) whether the Government will be pleased to place a copy of the report on the table of the House?

THE HON. SRI A. B. SHETTY :—" (*a*) & (*b*) The hon. Member may refer to the detailed report on the dysentery epidemic in Agathi and Kavarathy islands which has been placed on the table of the House in answer to the starred question No. 716 (answered on 15th February 1955)."

SRI T. C. NARAYANAN NAMBIAR :—" In the report placed on the table of the House, it is stated that the medical officer deputed had no medicines with him to treat the patients who were suffering from trachoma and other diseases of the eyes, bronchial asthma and other diseases of the respiratory system, diseases of the digestive system and deficiency diseases. May I know from the Hon. Minister why, when a medical officer was deputed to such a distant island where medicines are not procurable, he was not equipped with proper and necessary medicines for treatment of patients and may I also know from the Hon. Minister if any action was taken at least after the report was received by the Government? "

THE HON. SRI A. B. SHETTY :—" Sir, after the Medical Officer of Kavarathy was sent to the Agathi island, another Assistant Surgeon was sent by a special chartered ship with necessary medicines, staff, and everything."

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Dr. K. B. MENON :—" Sir, since these serious complaints are not epidemic, but more or less endemic and since the island is farflung without any means of communication, will the Government consider the necessity of a Health Survey? "

The Hon. Sri A. B. SHETTY :—" I have already stated that the matter of improving communications and taking necessary measures for the purpose of promoting the health and welfare of the people is under consideration."

Sri T. ANANTA PAI :—" Sir, the report placed on the table of the House makes a very sorry reading. It is found that 90 per cent of the population of the island are on starvation level and particularly during the monsoon seasons food supplies are scarce; there are certain social habits which are capable of improvement; apart from medical facilities that might be provided, the fundamental defects should be removed. Will the Government see that proper steps are taken at least to ameliorate the conditions of these islanders? "

The Hon. Sri A. B. SHETTY :—" Yes, Sir. The matter is under consideration."

Mr. SPEAKER :—" Question No. 718 will be taken up on the 21st."

Welfare of fishermen community.

11-40 a.m. * 719 Q.—Sri A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the Government have received any memoranda presented by the fishermen community on 10th September 1954 requesting the Government to improve their conditions and status; and

(*b*) whether the fishermen community has been treated as scheduled castes in respect of education in any part of the State?

The Hon. Sri M. BHAKTAVATSALAM :—" (*a*) The Government have received a memorandum, dated the 10th September 1954, from the Fishermen's United Front, Madras. It is being examined.

" (*b*) Only the Paravans of the Fishermen Communities, who are not converts to Christianity, are treated as Scheduled Castes for purposes of educational concessions. The other fishermen communities are treated as Backward Classes for purposes of educational concessions."

Sri A. RATNAM :—" இவர்கள் நடத்திய மகாநாட்டில் கனம் மந்திரி அவர்கள் கலந்துகொண்டார்களா ? அப்படி கலந்துகொண்டிருந்தால் அங்கு குறிப்பிட்ட முக்கியமான விஷயங்களைப்பற்றி எந்தவிதமான நடவடிக்கை எடுக்க திட்டமிட்டிருக்கிறார்கள் ? பரவர் வகுப்பைச் சேர்ந்தவர்களுக்கு குறிப்பிட்ட அளவு ஷெடுல் வகுப்பைச் சேர்ந்தவர்களுக்கு அளிக்கப்பட்டிருக்கும் சலுகை அளிக்கப்பட்டிருக்கிறதா? "

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THE HON. SRI M. BHAKTAVATSALAM :—" சில மாநாடுகளில் நான் கலந்துகொண்டிருக்கிறேன். அந்த மாநாடுகளின் கோரிக்கைகள் பல இலாக்காக்களில் பரிசீலனை செய்யப்பட்டு வருகிறது. பரவர் குலத்தினருக்கும் ஷெடுல் வகுப்பைச் சேர்ந்தவர்களுக்கும் அளிக்கப்படும் கல்வி வசதி இவர்களுக்கு அளிக்கப்படுகிறது. அவர்கள் ஹரிஜனங்களைப் போலவே அவ்வளவு தாழ்த்தப்பட்ட நிலையில் இருக்கிறார்கள். ஆதலால் அவர்களுக்கு கல்வி வசதி அளிக்கவேண்டும்."

SRI P. G. MANICKAM :—" கனம் சபாநாயகர் அவர்களே, மீன் பிடிப்பவர்கள் ஷெடுல் வகுப்பைச் சேர்ந்தவர்கள் என்று சொல்லுகிறார்கள். இதுபோன்ற எந்தெந்த ஜாதிகளை இந்த வகுப்பில் சேர்த்திருக்கிறார்கள் ? "

THE HON. SRI M. BHAKTAVATSALAM :—" இதுபற்றி எனக்கொன்றும் தெரியாது."

SRI S. SWAYAMPRAKASAM :—" The Hon. Minister stated that fishermen other than Paravans are treated as Backward Classes. The memorandum presented to the Government in 1954 requests that the fishermen communities be included in the list of Scheduled Castes so that they may become eligible for all the concessions available to the Scheduled Castes. Will the Government consider this aspect and give them relief? "

THE HON. SRI M. BHAKTAVATSALAM :—" That is one of the requests contained in the memorandum and that is being examined."

SRI S. DAIVASIGAMONEY :—" Is it a fact that the Government insist upon knowledge of Hindi for recruitment to the Marine department when fishermen apply for employment in that department? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice to answer the question. Prescription of qualifications for admission of candidates to the Marine department is attended to by the Government of India."

SRI O. KORAN :—" May I know whether the Government have considered any scheme for giving subsidiary work during the off-season to fishermen living on the West Coast, as they are not engaged in fishing throughout the year? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice."

SRI E. T. KUNHAN :—" സർ, കടലിൽ മീൻ പിടിക്കുന്ന തൊഴലിൽ ഏർപ്പെട്ടിരിക്കുന്ന മുസ്ലീം സമുദായത്തിൽപെട്ട പുയിസ്ലാന്മാരേയും ഈ സൌജന്യങ്ങൾ അനുവദിക്കുന്ന വിഷയത്തിൽ പട്ടികവർഗ്ഗക്കാരായി പരിഗണിച്ചിട്ടുണ്ടോ എന്നറിഞ്ഞാൽ കൊള്ളാം."

SRI T. C. NARAYANAN NAMBIAR :—" (Translation) Are Muslim fishermen treated as Scheduled Caste for purposes of these concessions? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice to answer this question. But I should like to point out that I said that particular sections of this community are treated as Scheduled Castes only for the purpose of educational concessions."

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SRI V. S. SIVAPRAKASAM :—" Is it not a fact that the fishermen community or any other community must be an untouchable community for its inclusion in the list of Scheduled Castes? "

THE HON. SRI M. BHAKTAVATSALAM :—" I am unable to understand the objection raised by the hon. Member to particular sections of a community getting certain concessions from the Government. I shall again repeat that particular sections of this community are treated on a par with the Scheduled Castes only for the purpose of extending educational concessions."

SRI K. VINAYAKAM :—" As the fishermen community is the most backward among the backward communities and as that community has not produced even a single graduate so far, will the Government include this community in the list of Scheduled Castes or will they await the report of the Backward Classes Commission under the chairmanship of Sri Kaka Saheb Kalelkar? "

THE HON. SRI M. BHAKTAVATSALAM :—" I do appreciate the spirit behind the question put by the hon. Member. The Government are awaiting the report of that Commission."

SRI V. S. SIVAPRAKASAM :—" Is not every community included in the list of Backward Classes getting similar educational and other concessions from the Government as the Scheduled Castes? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is no question of ' similar concessions '. I have said so many times that Paravans of the Fishermen Communities are treated as Scheduled Castes only for purposes of educational concessions."

Assignment of poramboke lands in Tanjore.

* 720 *Q.*—SRI S. RAMALINGAM : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the extent of poramboke lands assigned free to the landless poor in Tanjore taluk during the year 1954; and

(*b*) the number of applications for assignment pending?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) 4·27 acres

" (*b*) 734."

SRI S. RAMALINGAM :—" கனம் மந்திரி அவர்கள் பல தடவை நிலம் இல்லாத விவசாயிகளுக்கு நிலம் ஆர்ஜிதம் செய்வதற்கு பிரத்தியேக அதிகாரிகளை நியமித்திருப்பதாகச் சொன்னார்கள். ஒரு வருஷம் பூராவும் நான்கு ஏக்கர் நிலம்தான் வழங்கப்பட்டிருக்கிறது. இப்பொழுது ஆயிரக் கணக்கான மனுக்கள் பரிசீலனைக்கு வந்திருப்பதினால் நிலம் இல்லாத விவசாயிகளுக்கு பட்டா செய்வதற்கு நடவடிக்கை எடுக்க சர்க்கார் உத்திரவிடு வார்களா ? "

THE HON. SRI M. A. MANICKAVELU :—" The results of the new scheme will be known only in course of time. These figures relate to the year 1954. We are in the year 1955."

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SRI M. P. SUBRAMANYAM :—" 1954-ம் வருஷத்தில் தஞ்சை ஜில்லாவில் 4·27 எக்கர்கள்தான் இனாமாக நிலமில்லாத ஏழைகளுக்கு ஊர்ஜிதம் செய்து கொடுக்கப்பட்டிருப்பதாக கனம் மந்திரி அவர்கள் அறிவித்தார்கள். அப்படியென்றால் மற்றவர்களுக்கு இனாமாக புறம்போக்கு நிலம் எதுவும் ஊர்ஜிதம் செய்துகொடுக்கப்படவில்லை என்று அர்த்தமா என்று அறிய விரும்புகிறேன். அதோடு அந்த ஜில்லாவிலுள்ள மொத்த Waste lands எவ்வளவு என்று கேட்கிறேன்."

THE HON. SRI M. A. MANICKAVELU :—" Four acres were assigned free. Another 18 acres were assigned on land value. Tanjore taluk is a delta area and it is very difficult to have assessed waste lands there."

SRI D. DASARATHAN :—" இதற்குமுன் ரிவினியூ டிவிஷனல் ஆபீசரே ஐந்து எக்கருக்கு மேற்பட்ட நிலங்களையும் தர்காஸ்து செய்யலாம் என்றிருந்தது. அதனால் எகப்பட்ட நிலங்களை ரிவினியூ டிவிஷனல் ஆபீசர் தர்காஸ்து செய்யமுடிந்தது. தற்போது மாறுதல் உள்ளபடி கலெக்டர்தான் தர்காஸ்து செய்யவேண்டுமென்று ஒரு சட்டம் வந்திருக்கிறது. அதனால் அவரால் கேஸ்களை உடனடியாக கவனிக்க முடியவில்லை. ஆகவே ரிவினியூ டிவிஷனல் ஆபீசர் ஐந்து எக்கருக்கு மேற்படாத நிலங்களை தர்காஸ்து செய்யலாம் என்ற உத்தரவை மீண்டும் சர்க்கார் கொண்டுவருமா என்று கேட்கிறேன்." 11-50 a.m.

THE HON. SRI M. A. MANICKAVELU :—" The rule is being relaxed in deserving cases. For instance, in the Salem district it has been done. In other places also it may be done."

SRI S. SWAYAMPRAKASAM :—" The Hon. Minister said that Tanjore taluk was a deltaic area. May I draw his attention to the fact that the major portion of the Tanjore taluk is a non-deltaic area and a large extent of land is available for assignment? There is no justification for the Government to postpone this question. Will the Government consider this matter and give directions to the authorities to expedite the assignment? "

THE HON. SRI M. A. MANICKAVELU :—" When I said it was a deltaic area, I was carried away by the impression of the district. I know there are certain dry areas in the Tanjore taluk. I have visited the place also. It is a very poor area. Steps should be taken for assignment of land."

SRI M. PALANIYANDI :—" நண்பர் ஸ்ரீ சுயம்பிரகாசம் சொன்னபடி தஞ்சையில் காடாரம்பப் பிரதேசம் ரொம்ப இருக்கிறது. தஞ்சை ஜில்லா நிலமில்லா விவசாயிகள் நூற்றுக் கணக்கான மகஜர்களை நிலம் வேண்டுமென்று அரசாங்கத்திற்கு அனுப்பியிருக்கிறார்கள். அவர்களுக்கு நான்கு எக்கர்கள்தான் கொடுக்கப்பட்டிருக்கின்றன. ஹரிஜனங்களும் நிலம் வேண்டுமென்று மனுச் செய்திருக்கிறார்கள். அவைகளை சீக்கிரமாக கவனிக்க வேண்டும். இப்பொழுது பெரும் நிலச்சுவாந்தார்கள் 100, 200 எக்கர் புறம்போக்கு நிலங்களை வைத்துக்கொண்டிருக்கிறார்கள். அவைகளை வாங்கி ஏழை மக்களுக்குக் கொடுக்க சர்க்கார் முன்வருமா ? "

THE HON. SRI M. A. MANICKAVELU :—" When the scheme is put into operation, I think all these difficulties will be overcome."

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Sri P. VENKATESHA SHOLAGAR :—" நில மதிப்பைக் கொடுத்துதான் பட்டா செய்து கொள்ளவேண்டுமென்ற விதி இப்பொழுது இருப்பதால் மதிப்புத் தொகையை கொடுக்க முடியாமல் விவசாயிகள் பட்டா செய்துகொள்ள முடியாமலிருக்கிறார்கள். அதனால் கொஞ்ச காலம் கழித்து நிலத்தையும் இழக்கவேண்டியதாக இருக்கிறது. மதிப்புத் தொகையைக் கொடுப்பதற்கு அவர்களுக்கு சக்தி இல்லை. மற்றவர்கள் கேட்டால் கொடுக்கப் பட்டுவிடுமோ என தயங்கி பயந்துகொண்டுமிருக்கிறார்கள். அவர்கள் சாகுபடி செய்துகொள்வதற்கு பட்டா செய்வது அவசியமாக இருக்கிறது. அதனால் இப்பொழுதிருக்கும் மதிப்புத் தொகையைக் கொடுக்கவேண்டுமென்ற விதியை மாற்ற முடியுமா என்று கேட்கிறேன்."

The Hon. Sri M. A. MANICKAVELU :—" திடீரென்று மாற்ற முடியாது. மதிப்பு வாய்ந்த நிலங்களை மதிப்பிடவேண்டியது அவசியமாக இருக்கிறது. மதிப்பு இல்லாது நிலங்களை சும்மா கொடுத்து விட முடியாது."

Cheruvathur-Padne road.

* 721 *Q.*—Sri M. NARAYANAN NAMBIAR : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether there is any proposal to construct a road from Cheruvathur to Padne in Kasaragod taluk, South Kanara; and

(*b*) if so, when the work is likely to be started?

The Hon. Sri S. S. RAMASAMY PADAYACHI :—" (*a*) The work is included in the Post-war Road Development Plan.

" (*b*) It is likely to be taken up for execution in 1955–56."

Sri M. NARAYANAN NAMBIAR :—" May I know what the estimated cost of construction of the road is? "

The Hon. Sri S. S. RAMASAMY PADAYACHI :—" Rupees 39,000."

Deep-sea fishing boats.

* 722 *Q.*—Sri A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of prototypes of deep-sea fishing boats operated in the Bay of Bengal by the State Government; and

(*b*) the cost of construction of a deep-sea fishing boat?

The Hon. Sri M. BHAKTAVATSALAM :—" (*a*) One boat is being operated experimentally.

" (*b*) The cost of construction is approximately Rs. 6,000."

District Irrigation Conferences.

* 723 *Q.*—Sri V. GOPALA GOUNDER : Will the Hon the Minister for Public Works be pleased to state—

(*a*) the rules governing the constitution and working of the Irrigation Conferences held periodically in districts;

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(*b*) how the resolutions passed at such conferences are dealt with; and

(*c*) from what sources these resolutions are implemented?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (*a*) Attention is invited to the paper [a] placed on the table of the House.

" (*b*) Suitable action to implement resolutions which have to be implemented by the Public Works Department is taken by the Executive Engineer if it falls within his powers. If any such action is beyond his powers, he submits the resolution concerned to the appropriate higher authority through the Collector and suitable action is taken by the higher authority concerned. Resolutions to be implemented by the Revenue Department are forwarded to the Collector concerned.

" (*c*) If any works are taken up by Government for implementing the resolutions of the Half-yearly District Irrigation Conference, the expenditure thereon is met from the appropriate Government Budget."

SRI V. GOPALA GOUNDER :—" Rule 7 of the Rules of Constitution and Working of the Half-yearly District Irrigation Conference states that separate self-contained references on such of the resolutions passed at the conference as call for orders of Government should be submitted by the Executive Engineer through the Collector, etc. May I know the type of resolutions sent to the Government for their orders? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" The Executive Engineers have been given certain powers. If a certain case goes beyond the scope of the powers conferred on them, they have got to make a reference to the Government."

SRI V. GOPALA GOUNDER :—" May I know the ceiling of the power conferred on the Executive Engineer? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" It varies with the importance of the district concerned."

SRI A. GOVINDASWAMI NAYAGAR :—" மூன்றாவது பாரகிராபில் எம்.எல். ஏக்களும் எம்.எல். சிக்களும் நீர்ப்பாசன மகா நாட்டிற்குப் போகலாம் என்றிருக்கிறது. ஆனால் கடந்த 12-ம் தேதியில் (12—2—1955) எம்.எல். ஏ.-க்களும், எம்.எல்.சிக்களும் இல்லாமல் ஒரு மகாநாடு நடந்திருக்கிறது. ஏன் அப்படி நடத்துகிறார்கள் என்றால் இவர்கள் வந்தால் அவர்கள் யோசனை கொடுப்பார்கள். அந்த யோசனைகளை ஏற்றுக் கொள்ளுவதற்கு அதிகாரிகளுக்கு நிர்பந்தம் ஏற்பட்டுவிடும் என்பதனால் அவர்கள் இல்லாமலேயே மகா நாட்டை நடத்தியிருக்கிறார்கள். அப்படிப்பட்ட மகா நாடுகளை நடத்துவதாக இருந்தால் எம்.எல்.ஏக்களும், எம்.எல். சிக்களும் வரும்படியாக ஏற்பாடு செய்துவிட்டு மகா நாட்டை நடத்துவதற்கு சர்க்கார் உத்தரவிடுவார்களா ? "

[a] Printed as Appendix III on pages 589–590 infra.

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THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Does the hon. Member mean by saying that the conference is held without the M.L.As. and M.L.Cs. being present, that they have not been given notice? I think he means that the Assembly session coincides with the holding of the conference. If so, I shall draw the attention of the Collectors to that aspect of the matter."

Rani's Hospital, Pudukkottai.

* 724 *Q.*—SRI V. BALAKRISHNAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) the present bed-strength of the Rani's Hospital in Pudukkottai Division, Tiruchirappalli district;

(*b*) the average daily attendance of (i) out-patients and (ii) in-patients for this year from 1st January to 12th November 1954;

(*c*) the reasons for not converting this Women's hospital into an exclusive maternity hospital;

(*d*) the number of doctors posted to this hospital;

(*e*) the bed-strength in the maternity ward of the above hospital;

(*f*) whether the maternity ward is fitted with electric fans; and

(*g*) if not, why?

THE HON. SRI A. B. SHETTY :—" (*a*) Seventy-two, Sir.

" (*b*) Out-patients and 81 in-patients up to the end of November 1954.

" (*c*) The number of maternity cases is not such as to justify its conversion into a purely maternity hospital at present.

" (*d*) Two, Sir.

" (*e*) Twenty eight, Sir.

" (*f*) & (*g*) The maternity ward of the hospital has not been provided with electric fans. The question will be considered in due course."

Prosecutions under the Industrial Disputes Act.

* 725 *Q.*—SRI A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of persons and firms prosecuted under the Industrial Disputes Act for not implementing the awards of the Industrial Tribunals in the State, during the year 1953–54; and

(*b*) the number of persons or firms who were acquitted and the number of cases pending disposal, with particulars?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Seven managements have been prosecuted.

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" (*b*) The managements of Lakshmi Talkies, Perambur, and Regal Talkies, Madras, were convicted and fined Rs. 75 and Rs. 150 respectively. The following five cases are pending disposal with the Magistrates as on 1st December 1954 :—

(1) The Chettinad Transports, Karaikudi.

(2) The Raven Hotel, Madurai.

(3) The Devakottah Ceramic Industries, Amaravathipudur.

(4) The Photo Litho Press, Madras.

(5) B.N. Press, Madras."

SRI S. RAMALINGAM :—" என்ன குற்றத்திற்காக அவர்களுக்கு ரூபாய் 75, 150 என்று அபராதம் விதிக்கப்பட்டிருக்கிறது? "

THE HON. SRI M. BHAKTAVATSALAM :—" அதற்கு தனியான கேள்வி போடவேண்டும்."

Grant of takkavi loans in Tanjore.

* 726 *Q*.—SRI S. RAMALINGAM : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the number of applications received for the grant of takkavi loans in Tanjore taluk during the year 1954;

(*b*) the number of applications sanctioned ; and

(*c*) the amount disbursed?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) 999.

" (*b*) 565.

" (*c*) Rs. 1,18,165. Forty-three applications sanctioned by the District Agricultural Officer for Rs. 4,280 were cancelled as the parties did not turn up to receive the loan."

SRI S. RAMALINGAM :—" 43 மனுக்கள் திருப்பி அனுப்பப்பட்டது. அது சம்பந்தமான நபர்கள் வரவில்லை அதனால் திருப்பி அனுப்பப்பட்டது என்று சொன்னார். நடைமுறையில் என்ன நடக்கிறதென்றால், சம்பந்தப்பட்டவர்கள் கடன் வாங்க வேண்டுமென்றால் கிராமங்களிலுள்ள மணியக்காரரும் கணக்குப்பிள்ளையும் வந்து சாட்சி சொல்லவேண்டும் என்று அவர்களை அழைத்துவரச்சொல்லுகிறார்கள். அவர்களை அழைத்தால் அவர்கள் வரமாட்டேன் என்று சொல்லிவிடுகிறார்கள். ஆகையால் சம்பந்தப்பட்டவர்கள் கடன் வாங்கவேண்டுமென்றால் வாங்க முடிவது இல்லை. அதற்காக இப்பொழுதுள்ள விதிகளைத் திருத்தி வேறு யாராவது நம்பிக்கையுள்ள ஒருவரை சாட்சியாகக் கூட்டிவந்தால் கடன் கொடுக்கலாம் என்று விதிகளை திருத்துவார்களா ?"

THE HON. SRI M. A. MANICKAVELU :—" It cannot be definitely said that 43 applications did not avail themselves of the benefit for that reason. Of course, generally, there are certain cases where some such difficulty arises."

MR. SPEAKER :—" The next question (Question No. 727) will be taken up on the 22nd instant."

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Cold Storage Factory at Kozhikode.

* 728 *Q.*—SRI P. K. GOPALAKRISHNAN : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the construction of the Ice-Making, Quick-Freezing and Cold Storage Factory at Kozhikode has been completed ;

(*b*) whether the Government have any proposal to lease it out to private firms ; and

(*c*) if not, when the Government propose to start work in the different departments of the factory?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) & (*b*) The answers are in the affirmative.

" (*c*) The Government have, however, sanctioned the trial production run of the Kozhikode plant departmentally pending the leasing out of the plant to private parties."

SRI P. K. GOPALAKRISHNAN :—" Is it a fact that the storage section of the factory is not working to its full capacity for want of sufficient supply of fish? If so, will the Government see that deep-sea fishing is introduced in Malabar so that sufficient supply of fish may be made and the storage section of the factory may work to its full capacity? "

THE HON. SRI M. BHAKTAVATSALAM :—" I shall examine all that is suggested by the hon. Member."

Manjeri Government Hospital.

12 noon * 729 *Q.*—SRI M. CHADAYAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) the number of patients admitted from 31st March 1953 to 31st March 1954 into the Manjeri Government Hospital in Ernad taluk ;

(*b*) the number of beds available in the hospital;

(*c*) the number of patients allowed to lie in the veranda without beds ; and

(*d*) whether any action has been taken on the memorandum submitted by the public in regard to certain inconveniences such as shortage of staff and of medicines supplied in the hospital?

THE HON. SRI A. B. SHETTY :—" (*a*) 3,584, Sir.

" (*b*) 45, Sir.

" (*c*) 105, Sir.

" (*d*) Proposals for increasing the bed-strength of the hospital and for the employment of additional staff are under consideration. There is no scarcity of medicines in the hospital."

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SRI K. M. SEETHI SAHIB :—" May I know, Sir, whether there were reports made by the Medical Officer in charge of the Hospital that the stock of medicines was inadequate and that it should be replenished? "

THE HON. SRI A. B. SHETTY :—" Sir, when such reports are received, medicines are sent."

Hosdurg-Panathady road.

* 730 Q.—SRI M. NARAYANAN NAMBIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when repairs were done last to the Hosdurg-Panathady road in Kasaragod taluk, South Kanara;

(b) whether the Government have any proposal to improve this road; and

(c) if so, when?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" (a) The road is being regularly maintained by the District Board and this year also the maintenance work is in progress.

" (b) & (c) The work of metalling the first section of the road from mile 0/0 to 18/0 is under execution under the Post-war Road Development Plan. The work of improving the second section is included in the Five-year plan of Post-war Road Development and will be taken up for execution by the District Board as early as possible."

SRI M. NARAYANAN NAMBIAR :—" For the last two or three years, the bus service to Panathur was stopped during monsoon, because the road was not repaired. Will the Government give instructions to repair the road immediately so that when the next monsoon comes the bus service is not interrupted? "

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" The District Board has already repaired the road. So such inconveniences will not be caused in future, Sir."

Shoranur Metal Industries.

* 731 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Agriculture be pleased to state with reference to question No. 55 answered on 5th March 1954—

(a) whether the Government have arrived at any decision on the proposal to re-open the Shoranur Metal Industries, Limited, South Malabar; and

(b) if so, what it is?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) & (b) The Government considered that the financial condition of the Metal Industries, Limited, could not be rectified and that there was no likelihood of its profitable running as a business

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concern according to the proposals submitted to them. The Government, therefore, rejected the scheme sent to them and have ordered the sale of the factory in public auction to realize the amount due to them.''

SRI M. NARAYANA KURUP :—'' Is it a fact, Sir, that the Central Government have promised to give this Government a subsidy or help to the extent of a lakh of rupees so that the institution may not fail and that this Government is standing in the way of the Central Government's help? ''

THE HON. SRI M. BHAKTAVATSALAM :—'' Sir, the Central Government offered to give an aid of a lakh of rupees as loan through the Madras Government if the Madras Government would undertake to take it from the Government of India and lend it to this concern. This Government have examined the whole position and discussed the matter with those who were interested in the running of the industry. The Government now find that it is no good giving further aid taking into account the present position of the industry. Therefore, Government have decided to bring the concern to auction. When it is sold in auction, then the aid of one lakh of rupees promised by the Government of India would be utilized for forming an industrial co-operative.''

SRI T. C. NARAYANAN NAMBIAR :—'' This concern produced agricultural implements and tools of a particular variety suited to Malabar. Government have been saying that they are concentrating on the agricultural sector to increase the purchasing power of the people. Therefore, will the Government see to it that this only one concern in Malabar which caters to the special needs of Malabar and over the closure of which people of Malabar feel strongly, is given some substantial aid and see that it is not closed? ''

THE HON. SRI M. BHAKTAVATSALAM :—'' Sir, the Government are fully aware of the importance of this industry and are quite anxious to take any step that would lead to the revival of the industry. But, Sir, the Government do not believe in throwing good money after bad industries.''

DR. K. B. MENON :—'' As and when the factory is sold in auction, would the Government consider devoting the one lakh of rupees promised by the Central Government to organize a workshop in Shoranur and make it available for the skilled workers that are now available in plenty in that area? ''

THE HON. SRI M. BHAKTAVATSALAM :—'' No, Sir. When the concern is sold in auction, Government do hope that they can convert this concern into an industrial co-operative taking full advantage of the aid offered by the Government of India.''

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SRI S. DAIVASIGAMONEY :—" Sir, it is said that Shoranur is the Sheffield of India. That being so, will the Government think of taking over the factory and run it themselves? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I may tell the hon. Member, even in Sheffield, Government would not care to take over an industry if it is in the position of the industry in Shoranur."

MR. SPEAKER :—" Questions over."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ADJOURNMENT MOTION *RE* FAILURE OF GOVERNMENT TO RELEASE PERSONS CONVICTED IN CONNECTION WITH MUDUKAD (KOOTHALI ESTATE) EVICTION.

MR. SPEAKER :—" Hon. Member Dr. K. B. Menon has given notice of an adjournment motion to discuss a matter of urgent public importance. The motion reads as follows :—

'I move that the business of the House be adjourned to discuss a matter of urgent public importance, namely, the failure of the Government to allow the evicted families to go back to their homes and for not releasing those arrested and convicted in connexion with Mudukad (Koothali Estate) eviction.'

" I remember to have admitted a question on this yesterday and I gave full time to the House to discuss that matter by putting supplementaries. I do not know how this comes under a matter of urgent public importance."

* DR. K. B. MENON :—" Mr. Speaker, Sir, the House was fully apprised of the gravity of the situation when we walked out of the Assembly in the last sitting as a protest against the failure of the Government to allow families that have been in occupation of the land to continue to be in possession of those lands and in ordering their eviction on the ground that their title to the property was not quite good. Convinced as we were of the right of the families to retain possession of the property, we adopted the dual method of Satyagraha and of negotiation with the Government. Government after eviction of about 13 families saw the justice of the demand of the families and ordered stay of eviction proceedings and also asked Mr. Satthianathan, Member, Board of Revenue, to go and investigate all the problems connected with the Koothali Estate. It was also part of the agreement or understanding with the Government that the families evicted would be allowed to go back to their homes and also release all prisoners convicted in connexion with the Satyagraha. It was on these understandings that we called off the Satyagraha on the 11th. But the Government did neither. Thirteen families consisting of about 70 or 80 old men, women and children are now in the streets."

MR. SPEAKER :—" Let the hon. Member convince me that this matter comes under rule 41."

* Dr. K. B. MENON :—" Let me state the facts of the case, Sir. Government have not carried out what they have promised. I have been after the Government to implement these understandings and Government are sticking to their demand that action could be taken only after the receipt of the report. I do not understand the logic of this. If it is prestige that stands in the way, I would like to tell the Government that *satyagraha* is not a battle to win a point but it is more a matter of penance at the altar of truth and justice and that there is no victor or vanquished and that there should therefore be no residue left of resentment, ill-will or ill-feeling. The failure of the Government to discharge their responsibilities has vitiated the situation and other parties are taking advantage of the deteriorating situation to trespass and poach and get advantages for themselves, something for nothing.

12-10 p.m. " Sir, I would like to tell them that when we undertook the satyagraha campaign we did so with the confidence that we would be able to shoulder the responsibility single-handed. We do not want any sympathetic satyagraha started on that score now. Sir, I am moving this adjournment motion because I feel that it is the right and responsibility of the satyagrahis to come to this House and represent the matter . . ."

Mr. SPEAKER :—" Somebody might have offered satyagraha but that does not mean that the business of this House should be suspended."

* Dr. K. B. MENON :—" The families of the satyagrahis are estranged now and in the light of that fact, the sympathy and support of this House should be invoked for rendering relief to the starving families of the satyagrahis."

Mr. SPEAKER :—" Anybody may offer satyagraha and is it necessary that the business of this House should be suspended for that purpose? "

* Sri T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, this is a motion which, I hope, the Chair will be kind enough to allow for discussion. Sir, this involves a vital matter affecting lakhs and lakhs of people in Malabar. Though the hon. Member, Dr. Menon, does not want the support of other parties and other people than his own to demonstrate their sympathy for the suffering people, I may say that it is not the monopoly of one party or group to demonstrate it."

Mr. SPEAKER :—" Yesterday I allowed enough of supplementaries to a question on this subject."

* Sri T. C. NARAYANAN NAMBIAR :—" The Praja Socialist Party which first initiated the satyagraha has now come to an understanding with the Government . . ."

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MR. SPEAKER :—" The hon. Member need not go into that aspect of the question. Let him speak on the motion before the House."

SRI T. C. NARAYANAN NAMBIAR :—" The responsibility of the Government comes in here, because they have violated the alleged agreement already entered into and the Praja Socialist Party has now withdrawn the so-called satyagraha. Now, under the auspices of the Malabar Kisan Sangh, the democratic people of Malabar are conducting the satyagraha campaign and hundreds of women also participate in it. The evicted tenants of Mudukad are stranded in the streets and they are given no lands. In this connexion, 7,157 people from Koothali and suburbs have submitted petitions to this House and it is our duty to invite the attention of this House and evoke the sympathy of the House. The Government should see that the evicted families are restored their holdings. They should also withdraw all cases pending against people connected with this estate struggle and lease waste lands to the landless people. To consider all these matters, the adjournment motion, I submit, should be allowed by the Chair."

MR. SPEAKER :—" Now the hon. Member, Sri Narayana Kurup, should convince me that this matter comes within the scope of an adjournment motion."

* SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, if it were a mere case of satyagraha for which the Government were not responsible, the Hon. Speaker's observations would have been perfectly correct but it was not the case. The Government are directly responsible for the prevailing state of affairs and it is on account of that that this adjournment motion has to be brought in. It is in that way a matter of importance . . ."

MR. SPEAKER :—" But it has been going on or a long time and it is not an event which has occurred yesterday or recently."

SRI M. NARAYANA KURUP :—" Sir, the terminology ' long time ' is a comparative one but this is only in the sense that the facts now stated are of very recent occurrence and the Assembly met only recently, a few days ago. Therefore, I think it has not been going on for a very long time.

" I would only welcome the support of any party in favour of the down-trodden people and the under-dogs of society. But we would not be a party to a case where the help rendered by those persons will, directly or indirectly, hinder the achievement of our objective. It is only in such cases that we will not like such help. Therefore, there is no question of the Praja Socialist Party keeping at arm's length any other party and we welcome

any support from any party. Sir, this is a matter of recent occurrence and urgent public importance which comes directly under the concern of the Government."

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I submit that this motion does not satisfy the requirements of an adjournment motion. As regards the urgency and importance of the matter I am willing to make a statement now if I am allowed to do so by the Chair."

MR. SPEAKER :—" I allow it."

* THE HON. SRI M. A. MANICKAVELU :—" Sir, late Koothali Nayar died on 8th July 1936. By an order passed by the Government on 10th October 1942, the estate has escheated to the Government. The estate consists of properties distributed in 63 villages (desams) and they consist of survey and unsurveyed lands. There are three Malavarams (Hilly tracts) in this estate. Pannikkottur Malavaram measuring 6,000 acres is under the management of the Forest Department since 1944 and the lands in this area are not available for being leased out. Pillapperuvanna Malavaram measuring about 30,000 acres in extent has also been brought under the Madras Forest Act, 1882, and as such, the area comprised in this Malavaram will not also be available for being leased out. It is said that about 220 acres of low-lying lands in this Malavaram can be brought under cultivation at a high cost. The third Malavaram called Vallipetta Malavaram, is a surveyed one measuring about 1,200 acres, the whole of which is under cultivation from about 1948. Annual leases are being granted at the rate of 5 acres for each family for fugitive cultivation. There are surveyed lands other than Malavarams and these surveyed lands are occupied by tenants. The extent of such lands is about 7,600 acres. An extent of 1,240 acres said to be belonging to Mamkavu temple was presumably under the management of Koothali Nayar and that extent is now under the management of the Hindu Religious Endowments Board. Similarly an extent of 1,160 acres in Wynaad taluk which is said to belong to a temple (devaswom) and which was presumably under the management of Koothali Nayar, has been transferred to the management of the Hindu Religious Endowments Board. The estate had under its direct cultivation over 500 acres and that extent is scattered in four villages. The report of the Collector shows that there has been no demand for taking lease of these portions.

" One Jose trespassed over a portion of Pillapperuvanna Malavaram and granted sub-leases to some persons. To evict the sub-leases the Government obtained a decree in O.S. No. 43 of 1951 on the file of the Sub-Court, Tellicherry. The extent comprised in that suit is 49·60 acres. It is said to consist of 17 plots. In execution of the decree, the Government have obtained possession of 14 plots measuring 27 acres 78 cents.

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Possession has not yet been recovered of the remaining area of 21 acres 82 cents comprised in 3 plots. The total number of persons evicted is 70. Three persons (defendants 2, 16 and 25) are said to be interested in the remaining three plots. In addition to the extent of property covered by O.S. No. 43 of 1951, the defendants in that suit and others are alleged to have trespassed over other plots and occupied lands measuring 138·38 acres. Proceedings under the Land Encroachment Act have been taken in respect of this extent of 138·38 acres.

"The Government have filed two suits, O.S. No. 79 of 1953 and O.S. No. 81 of 1953 on the file of the Sub-Court, Tellicherry, for setting aside certain alienations and for recovery of possession of some properties comprised in the estate of late Koothali Nayar. O.S. No. 79 of 1953 was disposed of on 31st December 1954 and the Court has upheld 9 out of 27 alienations and has set aside the rest. The Court has upheld the validity of the escheat. The trial of O.S. No. 81 of 1953 is in progress. This relates to Pillapperuvanna Malavaram. 12-20 p.m.

"Socialists and Communists, with a view to take advantage of the situation, have come upon the scene. Satyagraha was threatened to be offered and 8 persons were taken into custody by the police and remanded and are being proceeded against under section 107, Criminal Procedure Code. In connexion with the evictions, resistance was offered and so far 86 persons have been arrested. Ten criminal cases have been filed against these 86 persons. Out of these 10 cases, 7 in which 67 persons were accused have since been disposed of awarding imprisonment ranging from 1 to 3 months.

"On the representation of Dr. K. B. Menon, M.L.A., the Government in Memorandum No. 14916 of 1954, dated 8th January 1955, stayed the eviction proceedings in O.S. No. 43 of 1951 until further orders by Government. The proceedings taken under the Land Encroachment Act have also been stayed pending further orders. Further representations were made by Dr. K. B. Menon for restoring to possession persons evicted from lands in execution of the decree in O.S. No. 43 of 1951. The Government passed the orders in Memorandum No. 14916 of 1954 to the effect that *status quo* should be maintained and there should be no further evictions but also there should be no restoration of plots to the possession of persons evicted therefrom. The Government have directed Sri W. R. S. Sathianathan, I.C.S., Second Member of the Board of Revenue, to make a full enquiry into the circumstances of Koothali Estate and his report is expected to be received by 15th February 1955. The Government expect to be able to pass orders soon.

"Sir, the trouble is that there is now a competition between the Communist Party and the Praja Socialist Party as to who should get the laurels in this agitation. The Government are not concerned with it and they want to do the right thing. As I have already said there have been so many cases and sentences of imprisonment have been awarded that we have deputed a Member of the Board of Revenue to go to the place and make an enquiry. His report is expected today. I will go into it and do the needful as early as possible. Under these circumstances, Sir, I hope the motion will not be pressed. Even otherwise the motion is not in order, I submit, Sir."

MR. SPEAKER :—" It should be left to the Chair to say whether the motion is in order or not."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, by way of a personal explanation, I want to make it clear to the House, to you, Sir, and to the Hon. the Minister for Land Revenue that there is no rivalry between the Communist Party and the Praja Socialist Party. The anxiety of the Communist Party is only to see that the peasantry are saved. If those who have no houses to live and no lands to cultivate are given the waste lands on lease without any struggle, we will be the happiest persons in the country."

Another hon. Member stood up for making a personal explanation.

MR. SPEAKER :—" I am not going to allow any further personal explanations. I would like to know whether Dr. K. B. Menon is pressing his motion or not. If he is pressing his motion, he knows what is the ruling that I am going to give."

* DR. K. B. MENON :—" Sir, I accept the explanation of the Hon. the Minister for Land Revenue excepting the facts that the Government have not done what they should have done, that there is no question of any rivalry but a deteriorating situation and that the Government have failed to carry out their part of the agreement."

MR. SPEAKER :—" Is the hon. Member Dr. K. B. Menon not pressing his motion? "

* DR. K. B. MENON :—" I am not pressing the motion."

SRI M. KALYANASUNDARAM :—" Sir, he is not pressing the motion."

MR. SPEAKER :—" Then we will go to the next item on the agenda."

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III.—GOVERNMENT BILLS.

(1) THE SOUTH KANARA CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1955 (L.A. BILL NO. 3 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—" Mr. Speaker, Sir, I beg leave to introduce the South Kanara Cultivating Tenants Protection (Amendment) Bill [a], 1955 (L.A. Bill No. 3 of 1955), and move—

'*That the Bill be taken into consideration.*'

" The South Kanara Cultivating Tenants Protection Act, 1954, provides that, subject to payment of current rent, no cultivating tenant shall be evicted from his holding for a period of one year. The provisions of this Act will be operative till 2nd March 1955 only. The Government have not yet finalized their proposal for undertaking a comprehensive tenancy legislation for South Kanara. Pending a final decision in the matter, the Government consider it desirable to extend the period of operation of the present Act for another year. This Bill is intended to achieve this object."

MR. SPEAKER :—" Motion moved—

'That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1955 (L.A. Bill No. 3 of 1955), be taken into consideration.' "

* SRI Y. MANJAYA SHETTY :—" Mr. Speaker, Sir, at the very outset, I congratulate the Government for having brought forward this Amending Bill. The Bill is intended to extend the life of the South Kanara Cultivating Tenants Protection Act, 1954, by a year so as to enable the Government to bring in Comprehensive tenancy legislation. No doubt, the object of the Government is good, laudable and praiseworthy but one has to wait and see how far the Government would be able to achieve this object in view of their past failure.

" Land tenancy in South Kanara can be classified into two classes, *mulgeni* and *chalgeni*. The *mulgeni* tenants have got a permanent right over their holdings and the rent payable by them is also fixed whereas the *chalgeni* tenants have neither any permanent right over their holdings nor are the rents fixed. They are tenants at will and at the mercy and sweet will of the landlords. It is this class of tenants who require protection and who need comprehensive legislation guaranteeing fixity of tenure and fair rent. It is needless for me to say, Sir, that the peasants of this district have been agitating for such a piece of legislation and the legislators coming from that district have been reasonably supporting their demand and also have been, from time to time, impressing upon the Government the urgent need and the imperative necessity for bringing forward such a legislation but the attitude taken by the Government in this matter is unsatisfactory. The Government do not seem to have come to any decision nor do they appear to have bestowed any thought over this important problem.

[a] Published in the *Fort St. George Gazette*, dated 19th January 1955.

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"On the last occasion during the discussion of the South Kanara Cultivating Tenants Protection Act, 1954, member after member pleaded for the introduction of a comprehensive legislation before the expiry of the Act and the Hon. the Minister for Revenue was pleased to assure on the floor of this House that comprehensive legislation would be introduced before the expiry of the Act. No doubt, in futherance of the assurance a Bill was drafted and it was expected that it would be introduced in December last but for reasons best known to the Government the introduction of the Bill is delayed. Let me be plain in saying that the peasants of the district are getting impatient over this issue, an important problem of this district. If, any further, delay is caused, I may tell this House that the relationship between the landlord and the tenant will be further strained and it may result in disastrous consequences. When once the situation gets out of control, whatever steps the Government may take in this regard may not have the desired result and also may not be appreciated by the people.

12-30 p.m. "In this connexion, Sir, it may not be out of place if I remind the Government of the momentous decision taken by the Congress Leaders in the recent session at Avadi. The patriotic leaders of the Congress have declared to the world that the aim and goal of the Congress is to establish a Socialistic Pattern of Society. May I ask the Government whether such a state of affairs can be achieved by magic? No, I do not think it can be achieved by magic; but it can be achieved only by bringing in land reforms and reforms in other spheres. So, in view of the solemn declaration made by our leaders, is it fair on the part of our Government to delay any further the introduction of land reforms. The peasants of the district, I am to tell the Government, do not demand for any radical land reforms. They want a simple legislation assuring them or guaranteeing to them security of tenure and fair rent. I do not think there is any difficulty in bringing in such a simple legislation. I hope the Government would bestow their attention to this problem and bring in a legislation as early as possible and I hope the Hon. Minister for Revenue will give an assurance to that effect.

"Apart from this, in the South Kanara Tenants Protection Act of 1954, a provision is made to protect such of the tenants from eviction as have paid the rent within the time specified in the Act. For some reason or other, if some tenants failed to pay the rent within the specified period, naturally, the landlords would file suits, not only for the recovery of rent, but also for the possession of their holdings. There are several such cases pending in several courts of our district. In order to protect such tenants also from being evicted, I had sent an amendment to be incorporated in the present Bill. That amendment is quite innocent, it is flawless and two eminent civil lawyers, Mr. Baliga and Mr. Pais who went through the amendment have given their

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opinion that it is a just one and that it must be included in the Bill. Somehow or other, the Legislature office has overruled that amendment . . ."

Mr. SPEAKER :—" Not somehow or other. The hon. Member wanted to change the parent Act. Further, it is not the office, but it is the Speaker who has done that."

* SRI Y. MANJAYA SHETTY :—" The amendment was handed over to the Hon. Minister and he has promised to examine the same."

Mr. SPEAKER :—" The Speaker must do his duty and that has been done."

* SRI Y. MANJAYA SHETTY :—" Yes, Sir. The amendment I had suggested reads as follows :—

' *Amendment to section 3 of the South Kanara Cultivating Tenants Protection Act*, 1954 (*Madras Act VI of* 1954).

' *Add* as sub-section 4 the following :—

' If a cultivating tenant fails to pay the rent or any part of it as specified in section 3, sub-section (3) (*a*) to (*b*) and on failure of such payment if a suit is filed by the landlord for the recovery of aforesaid arrears of rent as well as for possession of the holding, the court shall dismiss the suit provided the cultivating tenant deposits into court within the time granted by the court for payment to the plaintiff in the suit (1) the amount of rent due with interest thereon at 5 per cent per annum up to the date of deposit and (2) the cost of the plaintiff up to that date.' " '

" This amendment is quite necessary in view of the fact that a large number of eviction suits are pending in several courts of our district. I hope the Government will consider the amendment I have suggested and I request the Hon. Revenue Minister to include the amendment and pass the present Bill as so amended.

" Once again, I thank the Government for bringing in this Bill and support the same, with the fond hope that they would bring in a comprehensive tenancy legislation within a very short time. Thank you, Sir."

* SRI T. C. NARAYANAN NAMBIAR :—" ബഹുമാനപ്പെട്ട സഭാനാഥൻ 12-34 p.m.
അവർകളെ, ബഹു: റവന്യൂ മന്ത്രിക്ക് ഒരു തെററിദ്ധാരണയുള്ളപോലെ തോന്നുന്നു, സൌത്ത് കാനറയ്ക്കുവേണ്ടി കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിൽ മലബാറുകാർക്കു കാര്യമൊന്നുമില്ലെന്ന്. പൃച്ഛക്ക് എന്താണ് പൊന്നാഹരി വെയ്ക്കുന്ന ദിക്കിൽ എന്ന മട്ടിലാണ് റവന്യൂ മന്ത്രി വിചാരിച്ചുകൊണ്ടിരിക്കുന്നത്. ബഹു: മന്ത്രിപ്രവരരേ, ഞാൻ അങ്ങയെ അറിയിച്ചുകൊള്ളുന്നു ഈ തെക്കൻ കന്നാടകജില്ലയുടെ തന്നെ കുറെ ഭാഗങ്ങളിൽ മലബാർ കുടിയായ്മ നിയമം നടപ്പിലുണ്ടെന്ന്. 1951-ൽ ശ്രീ കോഴിപ്പുറത്ത് മാധവമേനോൻ മന്ത്രിയായിരുന്ന കാലത്ത് ഈ തെക്കൻ കന്നാടക ജില്ലയിലെ 33 ഗ്രാമങ്ങളിൽ മലബാർ കുടിയായ്മ നിയമം നടപ്പാക്കിയിട്ടുണ്ട്. അതിനും പുറമെ 37 ഗ്രാമങ്ങളെക്കൂടി ഉൾപ്പെടുത്തണമെന്ന് ഞങ്ങൾ ആവശ്യപ്പെട്ടിട്ടുണ്ട്."

SRI T. ANANTA PAI :—" Sir, may I request the hon. Member to make his speech in English so that we may know what he is saying? "

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir. I would have made my speech in English, but unfortunately some of my colleagues who know only Malayalam wanted to know what I was speaking and so I am speaking in Malayalam.

" കാസർകോഡ് താലൂക്കിലെ ഇരുപത്തേഴ് ഗ്രാമങ്ങളിൽ മലബാറിലെപ്പോലുള്ള ഭൂവുടമയും കുടിയായ്മകളും മറ്റെല്ലാ സമ്പ്രദായങ്ങളും നടപ്പിലുണ്ട്. മലബാർ കുടിയായ്മ നിയമം നിലവിലുള്ള പ്രദേശങ്ങളെ അപേക്ഷിച്ച് ഈ ഇരുപത്തേഴ് ഗ്രാമങ്ങൾക്ക് പ്രത്യേകതയായിട്ട് പറയാനൊന്നും തന്നെയില്ല. അതുകൊണ്ടാണ് അവയെക്കൂടെ മലബാർ കുടിയായ്മ നിയമത്തിന് കീഴിൽ കൊണ്ടുവരണമെന്ന് ഞങ്ങൾ ആവശ്യപ്പെട്ടിട്ടുള്ളത്. പക്ഷെ ഗവൺമെൻറ് അത് സ്വീകരിക്കാൻ തയ്യാറില്ല. അതിൻെറ ആവശ്യകത ഗവൺമെൻറിന് ബോദ്ധ്യപ്പെടുത്തിക്കൊടുക്കാൻ ഞങ്ങൾ ഇപ്പോഴും ശ്രമിച്ചുകൊണ്ടിരിക്കുകയാണ്. ഫിബ്രവരി 2-ാം തിയ്യതി കാസർകോഡ് താലൂക്കിലെ മേല്പറഞ്ഞ ഇരുപത്തേഴ് ഗ്രാമങ്ങളിലെ കൃഷിക്കാരുടെ അയ്യായിരം പ്രതിനിധികൾ ഒരുമിച്ചു സമ്മേളിച്ച് ഗവൺമെൻറിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്. ഈ ഇരുപത്തേഴ് ഗ്രാമങ്ങളെക്കൂടി മലബാർ കുടിയായ്മ നിയമത്തിൻെറ പരിധിയിൽപ്പെടുത്തണമെന്ന്. ആ സമ്മേളനത്തിൻെറ തീരുമാനിച്ചതനുസരിച്ച് കൃഷിക്കാരുടെ ഒരു പ്രതിനിധിസംഘം മദ്രാസിലേക്ക് വരുന്നുണ്ട്. അവർ ഈ നിയമസഭയുടെ മുമ്പിലും ബഹു: മന്ത്രിമാരുടെ അടുക്കലും നിവേദനം ചെയ്യാൻ പോവുകയാണ്. ഒരേ തരത്തിലുള്ള ഭൂവുടമയും കുടിയായ്മയും മററു സമ്പ്രദായങ്ങളും നിലവിലുള്ള ഇരുപത്തേഴ ഗ്രാമങ്ങളെ മലബാർ കുടിയായ്മ നിയമത്തിൽനിന്നും ഒഴിച്ചു നിറുത്തുന്നതിന് യാതൊരു ന്യായവും പറയാനില്ല.

(Translation by the members of his point made in Malayalam.)

" The 27 villages which are not covered by the Malabar Tenancy Act have to be brought under its operation for which case a delegation was elected on 2nd February 1954 during which time the Hon. Minister for Revenue was touring in South Kanara district.

" ഏതായാലും തെക്കൻ കണ്ണാടക ജില്ലയിലെ കുടിയാന്മാർക്ക് താൽക്കാലിക രക്ഷ നൽകുന്നതിനുള്ള ഈ നിയമം ഒരു കൊല്ലം കൂടെ നീട്ടിവെയ്ക്കണമെന്ന് ഗവൺമെൻറ് തീരുമാനിച്ചതിൻെറ പിന്നിൽ അടിസ്ഥാനപരമായ ചില പ്രശ്നങ്ങൾ പൊന്തിവന്നിട്ടുണ്ടെന്നുള്ള പരമാർത്ഥത്തിലേയ്ക്ക് ഞാൻ സഭയുടെ ശ്രദ്ധയെ ക്ഷണിച്ചുകൊള്ളുന്നു. എന്താണ് ഈ അടിസ്ഥാനപരമായ പ്രശ്നം? എന്തുകൊണ്ടാണ് തെക്കൻ കണ്ണാടക ജില്ലയിലെ കുടിയാന്മാരെ സംബന്ധിച്ച് സമഗ്രമായ ഒരു നിയമം കൊണ്ടുവരാൻ മന്ത്രിസഭ ഇതുവരെ കൂട്ടാക്കാത്തത്? കഴിഞ്ഞ തവണ ഈ ബില്ല് കൊണ്ടുവന്നപ്പോൾ ബഹു: മന്ത്രി പറയുകയുണ്ടായി താമസിയാതെതന്നെ സമഗ്രമായ ഒരു സ്ഥിരം നിയമം കൊണ്ടുവരുന്നതാണെന്ന്. എന്നിട്ടോ? അവിടെയുള്ള ജന്മിമാർ മറെറങ്ങും കേട്ടിട്ടു പോലുമില്ലാത്തവിധം കടുംക്രൂരമായ പ്രവൃത്തികളാണ് കൃഷിക്കാരോട് ചെയ്തുകൊണ്ടിരിക്കുന്നത്. അററ വിളവിൽനിന്ന് കൃഷിച്ചെലവ് കഴിച്ച് 50 ശതമാനം ജന്മിക്കും 50 ശതമാനം കുടിയാനുമെന്നാണ് മലബാറിലെ വ്യവസ്ഥ. തൊട്ടടുത്ത തെക്കൻ കണ്ണാടക ജില്ലയിൽ അങ്ങിനെയുള്ള യാതൊരു വ്യവസ്ഥയുമില്ല. കുടിയാനെ ഞെക്കി സർവ്വവും ജന്മി ഊററിയെടുക്കുകയാണ് അവിടെ നടന്നുകൊണ്ടിരിക്കുന്നത്. ജന്മിയുടെ ഓഹരി എത്രയെന്നോ കൃഷിക്കാരൻെറ ഓഹരി എത്രയെന്നോ യാതൊരു വ്യവസ്ഥയുമില്ല ജന്മിയുടെ തോന്നിയവാസമാണ് ഇങ്ങേ അററം മുതൽ അങ്ങേ അററംവരെ. കൃഷിക്കാരന് ഭൂമിയിൽ യാതൊരു സ്ഥിരാവകാശവുമില്ല. മുഷിഞ്ഞ വസ്ത്രം മാറുന്നതുപോലെയാണ് ജന്മി കുടിയാനെ മാററുന്നത്. അക്രമവും അനീതിയും നിറഞ്ഞ വ്യവസ്ഥകളും സമ്പ്രദായങ്ങളും വച്ചുകൊണ്ട് കൃഷിക്കാരൻെറ മുതുകൊടിച്ചിട്ടിരിക്കയാണ് തെക്കൻ കണ്ണാട

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കത്തിൽ. ബഹു: റവന്യൂ മന്ത്രി അടുത്തകാലത്തു് തെക്കൻ കന്നാടക ജില്ലയിൽ കുറെയെല്ലാം ചുററി സഞ്ചരിക്കുകയുണ്ടായി. എന്നിട്ടും അവിടത്തെ അവകടംപിടിച്ച ഭൂവ്യവസ്ഥിതിയെക്കുറിച്ചോ, കൃഷിക്കാരന്റെ രക്തം ഊററി അവനെ പട്ടുകുഴിയിലാക്കുന്ന അവിടത്തെ കുടിയായ്മ സമ്പ്രദായത്തെക്കുറിച്ചോ ജന്മിത്തവ്യവസ്ഥിതിയെക്കുറിച്ചോ യാതൊന്നും മനസ്സിലാക്കിയ ലക്ഷണമില്ല. അതു വല്ലതും മനസ്സിലാക്കിയിരുന്നുവെങ്കിൽ നിശ്ചയമായിട്ടും കുടിയാനെ രക്ഷിക്കാനുള്ള ഒരു ബില്ല് കൊണ്ടുവരുന്ന കാര്യത്തിൽ ഇത്ര അമാന്തം കാണിക്കുമായിരുന്നില്ല. മിനിട്ടിനു് നാലു് ഓർഡിനൻസു് പാസ്സാക്കാൻ മടിയില്ലാത്ത ഈ ഗവർമ്മെണ്ടിനു് തെക്കൻ കന്നാടകജില്ലയിലെ കുടിയാന്മാരെ രക്ഷിക്കാൻ മാത്രം എന്തുകൊണ്ടു് ഒരു ഓർഡിനൻസുതന്നെ പുറപ്പെടുവിച്ചുകൂട ? ഈ ഗവർമ്മെൻറു് അതു ചെയ്യുകയില്ല. അതുകൊണ്ടാണു് ഞാൻ പറഞ്ഞതു് അടിസ്ഥാനപരമായ ചില പ്രശ്നങ്ങൾ പൊന്തിവന്നിട്ടുണ്ടെന്നു്. അതിനെ സംബന്ധിച്ചു് ചിലതു പറയാനാണു് ഈ അവസരത്തിൽ ഞാനുദ്ദേശിക്കുന്നതു്.

“ഈ മദ്രാസ് സംസ്ഥാനത്തിൽ കൃഷിക്കാർക്കും കുടിയാന്മാർക്കും ഭൂമിയിലുള്ള അവകാശത്തെ സംബന്ധിച്ചിടത്തോളം പല ഭാഗങ്ങളിലും പല തരത്തിലുള്ള നിയമങ്ങളാണു് നിലവിലുള്ളതു്. വാരം, പാട്ടം മുതലായവയെ സംബന്ധിച്ചു് ഓരോരോ സ്ഥലത്തും ഓരോരോ വ്യവസ്ഥയാണു്. മലബാറിൽ ചെലവു് കഴിച്ചു് അററ വിളവിന്റെ 50 ശതമാനം കൃഷിക്കാരനും 50 ശതമാനം ജന്മിക്കുമെന്നാണു് നിയമം. അതു ജന്മി സ്വയം വകവച്ചുകൊടുത്തതൊന്നുമല്ല. കൃഷിക്കാർ ഉണർന്നു് സംഘടിച്ചു് ഒററക്കെട്ടായിനിന്നു് പ്രക്ഷോഭണംകൂട്ടി പിടിച്ചുപററിയ അവകാശമാണതു്. അതിനുവേണ്ടി ഒരു ദീർഘസമരംതന്നെ നടന്നിട്ടുണ്ടു്. എത്രയോ പേർ രക്തസാക്ഷികളായിട്ടുണ്ടു്. എത്രയോ പേരുടെ രക്തം ചിന്തിയിട്ടുണ്ടു്. എത്രയോ യോദ്ധാക്കൾ മരണമടഞ്ഞിട്ടുണ്ടു്. അങ്ങനെ കൃഷിക്കാർ ഒററക്കെട്ടായിനിന്നു് പ്രക്ഷോഭണവും സമരവും നടത്തി പിടിച്ചുപററിയ അവകാശമാണു് ഇന്നു് മലബാറിലെ കൃഷിക്കാർ അനുഭവിക്കുന്നതു്. അല്ലാതെ ഗവർമ്മെൻറിന്റെയോ ജന്മിയുടെയോ ഔദാര്യംകൊണ്ടു് കിട്ടിയിട്ടുള്ളതല്ല. തഞ്ചാവൂരിലെ കൃഷിക്കാർ അത്രയ്ക്കു് സംഘടിതരായിട്ടില്ല. അതുകൊണ്ടു് അവർക്കു് മലബാറിലെ കൃഷിക്കാർക്കു് കിട്ടിയിട്ടുള്ളിടത്തോളം അവകാശങ്ങളും വകവച്ചു കിട്ടിയിട്ടില്ല. 60 ശതമാനം ജന്മിക്കു കൊടുക്കണമെന്നാണു് തഞ്ചാവൂരിലെ വ്യവസ്ഥ. മലബാറിൽ 50 ശതമാനം ജന്മിക്കു കൊടുത്താൽ മതിയെന്നിരിക്കെ തഞ്ചാവൂരിൽ 60 ശതമാനം കൊടുക്കണം. എന്താണതിനു കാരണം ? മലബാറിലെ കർഷകരെപ്പോലെ സംഘടിതരല്ല തഞ്ചാവൂരിലെ കർഷകർ. തമിഴ്നാട്ടിൽ ആകപ്പാടെ നോക്കിയാൽ തഞ്ചാവൂരിൽ മാത്രമേ ഒരു ശക്തിയായ കർഷകപ്രസ്ഥാനം ഉള്ളുവെന്നു് കാണാൻ സാധിക്കും. അതുകൊണ്ടാണു് കുറെയെങ്കിലും അവകാശങ്ങൾ അവർക്കു് പിടിച്ചെടുക്കാൻ കഴിഞ്ഞിട്ടുള്ളതു്. തെക്കൻ കന്നാടകത്തിലാണെങ്കിൽ യാതൊരു കർഷകപ്രസ്ഥാനവും അടുത്ത കാലംവരെ ഉണ്ടായിട്ടില്ല. തെക്കൻ കന്നാടകത്തിൽപെട്ട മലയാള കൃഷിക്കാരുടെയിടയിൽ സംഘവും ഉയർന്ന വർഗ്ഗബോധവും ഉള്ള കാരണം ആ 33 ഗ്രാമങ്ങളിൽ മലബാർ കുടിയായ്മ നിയമം ബാധകമാക്കി. ഇപ്പോൾ 27 ഗ്രാമങ്ങൾകൂടി ഉണർന്നു് ഉയരുകയാണു്. അവിടത്തെ മററു ഭാഗങ്ങളിലെ കൃഷിക്കാർക്കു് യാതൊരു സംഘടനയും ഇല്ല. അതുകൊണ്ടു് ജന്മിക്കു് ഇഷ്ടംപോലെ എന്തും ചെയ്യാം. ഒരു സംഘടന ഇല്ലാത്തതായിരുന്നു തെക്കൻ കന്നാടകത്തിലെ കന്നാടക കൃഷിക്കാരുടെ ഏററവും വലിയ ദോഷം. അതു് ഇന്നു് പരിഹരിക്കപ്പെട്ടുകഴിഞ്ഞിരിക്കുന്നു. ശക്തിയായ ഒരു കിസാൻ പ്രസ്ഥാനം തെക്കൻ കന്നാടകത്തിൽ ഇന്നു് മുന്നേറുവാൻ പോവുകയാണു്. മുമ്പത്തെ ഒരു പാർലിമെൻറു് മെമ്പറായിരുന്ന ശ്രീ കക്കിലായയാണു് അതിന്നു നേതൃത്വം നൽകിക്കൊണ്ടിരിക്കുന്നതു്. വമ്പിച്ച ഒരു കിസാൻ ജാഥ ഇന്നു് തെക്കൻ കന്നാടകത്തിലെ ഓരോ ഗ്രാമത്തിലും ചുററിസ്സഞ്ചരിച്ചു് കൃഷിക്കാരെ ഉൽബുദ്ധരാക്കിക്കൊണ്ടിരിക്കയാണു്. കൃഷിക്കാരുടെയിടയിൽ മുമ്പൊന്നുമുണ്ടായിട്ടില്ലാത്തത്ര ഉണർവ്വും സംഘടനാബോധവും ഇന്നു് അവിടെ ഉണ്ടായിട്ടുണ്ടു്. ഒരു ജാഥ മദ്രാസിലേയ്ക്കും വരുന്നുണ്ടു്. ഈ അസംബ്ലിയുടെ മുമ്പിൽ പ്രകടനം നടത്തി തെക്കൻ കന്നാടക ജില്ലയിലേക്കു് ഒരു കുടിയായ്മ നിയമം നിർമ്മിക്കേണ്ടതിന്റെ അടിയന്തിരാവശ്യകത ഈ അസംബ്ലിയേയും ഗവർമ്മെണ്ടിനേയും ബോദ്ധ്യപ്പെടുത്തുകയെന്നുള്ളതാണു് ജാഥയുടെ ഉദ്ദേശം.

[Sri T. C. Narayanan Nambiar] [15th February 1955

"ഇനി മറെറാരു പ്രധാനപ്പെട്ട സംഗതിയെപ്പററി രണ്ടു വാക്കു പറയേണ്ടിയിരിക്കുന്നു. കന്നാടക കൃഷിക്കാർക്കുവേണ്ടി കോൺഗ്രസ്സുകാർ തയ്യാറാക്കിയ ഒരു ബില്ലിൻെറ ഡ്രാഫ്ററ് എനിക്കു കാണാൻ സാധിച്ചിട്ടുണ്ട്. ആ ബില്ല് വായിച്ചപ്പോൾ കൃഷിക്കാരെ സംരക്ഷിക്കാനുള്ള ഒരു ബില്ലാണോ ഇതെന്നു എനിക്കു അത്ഭുതം തോന്നി. കൃഷിക്കാരൻെറ സങ്കടങ്ങൾക്കു ഒരറുതി വരുത്തി അവനെ രക്ഷിക്കണമെന്നും അവനു തെല്ലെങ്കിലും ആശ്വാസം നല്കണമെന്നും ആഗ്രഹിക്കുന്ന ഒരു കക്ഷി ഇത്തരത്തിലുള്ള ഒരു ബില്ല് തയ്യാറാക്കുമെന്ന് എനിക്കു വിശ്വസിക്കാൻ കഴിയുകയില്ല. ആ ബില്ലിൻെറ അടിസ്ഥാനത്തിൽതന്നെ, അനേകം വ്യവസ്ഥകളോടും വകുപ്പുകളോടുംകൂടിയുള്ള ഒരു ബില്ലാണ് ഇനി ഗവമ്മേണ്ടു് കൊണ്ടുവരാനുദ്ദേശിക്കുന്നതെങ്കിൽ എൻെറ ഗുരുവായൂരപ്പാ കൃഷിക്കാരെ ഈ ബില്ലിൽനിന്നും ഈ ഗവമ്മേണ്ടിൽനിന്നും രക്ഷിക്കണേ എന്നാണ് എൻെറ ആത്മാർത്ഥമായ പ്രാർത്ഥന. മലബാറിൽ ജന്മിയുടെ വീതം 50 ശതമാനം മാത്രമാണെന്നു ഞാൻ പറഞ്ഞല്ലൊ. അതുകൂടാതെ ഭൂമിയിൽ കുടിയാനു ഏറെക്കുറെ സ്ഥിരാവകാശവും അനുവദിച്ചിട്ടുണ്ട്. മററു പലതിനും ഒരു നിശ്ചിതത്വവും ക്ലിപ്തവും ഉണ്ട്. എന്നാൽ തെക്കൻ കന്നാടകത്തിൽ ഇതൊന്നും ഉണ്ടായിട്ടില്ല. കുടിയാന് ഭൂമിയിൽ യാതൊരു സ്ഥിരാവകാശവുമില്ല. അവനു പ്രമാണവുമില്ല, അവകാശവുമില്ല. ജന്മി പറയുമ്പോൾ ഇറങ്ങി പോയ്ക്കൊള്ളണം. വാരവും പാട്ടവും ഒരു വ്യവസ്ഥയുമില്ലാതെയാണ് പിരിക്കുന്നതു്. ഇതിനെല്ലാംപുറമെ അടയ്ക്കയും മത്തങ്ങയും വാഴക്കുലയും വെള്ളരിക്കയുമെല്ലാം ജന്മിക്കു കാഴ്ചവെക്കണം. ഇങ്ങനെ അനവധി കൊള്ളരുതായ്മകളും അക്രമങ്ങളും ചൂഷണവും അവിടെ നടന്നുകൊണ്ടിരിക്കുകയാണ്. അതെല്ലാം അവസാനിപ്പിച്ചു കൃഷിക്കാരൻെറ അദ്ധ്വാനഫലം അനുഭവിക്കാനുള്ള അവകാശം അവനു ഉറപ്പിച്ചുകൊടുക്കുകയും കൃഷിക്കാരൻെറ ക്രീണനശക്തി വദ്ധിപ്പിച്ചു അവനെ മനുഷ്യനായി ജീവിക്കാൻ അനുവദിക്കുകയും ചെയ്യുന്ന ഒരു സ്ഥിരമായ നിയമനിർമ്മാണം അടിയന്തിരമായ ഒരാവശ്യമാണ്. മലബാറിനെ സംബന്ധിച്ചു ഒരു നിയമമുണ്ടാക്കാൻ ഗവമ്മേണ്ടു് വളരെ മുമ്പുതന്നെ നിർബ്ബന്ധിതരായിട്ടുണ്ട്. എന്നാൽ തെക്കൻ കന്നാടകത്തെ സംബന്ധിച്ചിടത്തോളം ഒരു നിയമം കൊണ്ടുവരാൻ ഗവമ്മേണ്ടു് ഇന്നും മടി കാണിക്കുകയാണ്. ഭൂനയത്തെ സംബന്ധിച്ചായാലും ശരി, വ്യവസായാഭിവൃദ്ധിയെ സംബന്ധിച്ചായാലും ശരി, ഗവമ്മേണ്ടിന്നു് പുരോഗമനോന്മുഖവും വ്യക്തവുമായ ഒരു നയമോ പരിപാടിയോ ഇല്ല. എന്തെങ്കിലും പരിഷ്കാരപദ്ധതികൾ നടപ്പിൽവരുത്തുന്ന കാര്യത്തിൽ ഗവമ്മേണ്ടു് അങ്ങേ അററത്തെ അനാസ്ഥയാണ് കാണിക്കുന്നതു്. ഇതേക്കുറിച്ചെല്ലാം എനിക്കു വളരെ പറയാനുണ്ട്. പക്ഷെ ഇപ്പോൾ സമയം പോരാ.

"ഈ താല്ക്കാലികനിയമം ഇപ്പോൾ രണ്ടു കൊല്ലത്തേക്കാക്കി നീട്ടിക്കൊണ്ടുപോവുകയാണ്. ഇതു് ഇങ്ങനെ നീട്ടിനീട്ടിക്കഴിക്കാതെ എത്രയും വേഗത്തിൽ സമഗ്രമായ ഒരു ബില്ല് മന്ത്രി തയ്യാറാക്കിക്കൊണ്ടുവരണമെന്നാണ് എനിക്കു പറയുവാനുള്ളതു്. സർ, 1955 അവസാനംവരേയ്ക്കും ഒരു നിയമവും കൊണ്ടുവരില്ല എന്നു ബഹുമാനപ്പെട്ട മന്ത്രി തെക്കൻ കന്നാടകത്തിൽ സഞ്ചരിക്കുമ്പോൾ പറഞ്ഞതായി റിപ്പോർട്ട് കാണാനിടയായിട്ടുണ്ട്. During his tour in South Kanara the Hon. Minister for Revenue said at a Press Conference that till the end of 1955 no such legislation would be enacted. I have read a report to this effect in the newspapers. എന്താണിതിൻെറ അടിസ്ഥാനമെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. 1955-ൽ തന്നെ സമഗ്രമായ ഒരു നിയമം മന്ത്രി കൊണ്ടുവരണമെന്നാണ് എൻെറ അഭ്യർത്ഥന. ആ നിയമം വരുമ്പോൾ കാസർകോഡ് താലൂക്കിലെ 27 ഗ്രാമങ്ങളെക്കൂടി മലബാർ കുടിയായ്മനിയമത്തിന്നു കീഴിൽ കൊണ്ടുവരണം. പുതിയ നിയമം ആ പ്രദേശങ്ങൾക്കു ബാധകമാക്കരുതു്. കുറഞ്ഞ പാട്ടം മാത്രം കൊടുത്താൽ മതിയെന്ന് വ്യവസ്ഥപ്പെടുത്തുക, തോന്നിയപോലെ ഒഴിപ്പിക്കാനുള്ള ജന്മിയുടെ അവകാശത്തെ എടുത്തുകളയുക, കൃഷിക്കാരനു ഭൂമിയിൽ സ്ഥിരാവകാശം നൽകുക, 1950 നു ശേഷമുള്ള പാട്ടബാക്കികളെങ്കിലും റദ്ദ്ചെയ്യുക ഇങ്ങനെ പലതും ചെയ്യേണ്ടതു് ആവശ്യമായിട്ടുണ്ട്. അതെല്ലാം ഉൾക്കൊള്ളിച്ച് കൃഷിക്കാരന് യഥാർത്ഥത്തിൽ രക്ഷ കിട്ടണം, അവൻെറ ക്രീണനശക്തി വദ്ധിക്കണം എന്നുള്ള ഉദ്ദേശത്തോടുകൂടി സമഗ്രവും സംതൃപ്തികരവുമായ ഒരു ബില്ല് എത്രയും വേഗത്തിൽ കൊണ്ടുവന്ന് കൃഷിക്കാരെ രക്ഷിക്കുകയും അങ്ങിനെ രാജ്യത്തെ ഐശ്വര്യത്തിലേക്കു നയിക്കാൻ യത്നിക്കുകയും ചെയ്യണമെന്നു അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

15th February 1955]

* SRI M. S. MOGRAL :—" Mr. Speaker, Sir, the South Kanara Cultivating Tenants Protection Act, 1954, was evidently understood by the public of my district as a forerunner of a comprehensive tenancy legislation defining and declaring the relationship between the landlords and tenants of that district. This interpretation of the people appear to have been confirmed by the later attempts of the Goverment in drafting a bill and circulating it to the South Kanara Members of the Assembly. Matters having come to this pass, I feel there is no justification whatsoever for showing off this all-important issue under any pretext. The tenants who needed it most are rudely disappointed and they are getting over-excited. Sir, it is poor consolation to say that a comprehensive legislation embracing the whole of the State will be enacted in due course and in that South Kanara also will be included. In this connexion it has to be remembered that the tenancy system of South Kanara is very peculiar and substantially different from the tenancy obtaining in the other parts of the State. There are no zamindars in South Kanara. The number of landowners paying an assessment of more than 400 rupees is 1,000 odd and out of a total number of 135,000 pattadars, as many as 33,000 pattadars pay an assessment of less than ten rupees. Under these circumstances, I do not propose any sort of drastic legislation resulting in the liquidation of the small land-owning class, paying less than ten rupees assessment for I am fully aware that any such radical change in the fundamental basis of our land tenure system is sure to create new problems, which will be very difficult for the Government to solve. The proposed legislation should bring about a harmonious blending of the two sections into a progressive society endeavouring to realize the ideals of a Welfare State through co-operative effort for the common good of the country as a whole. I strongly urge the Government to introduce the necessary tenancy legislation without delay and honour the longstanding promise and thereby not only help the tenants to lead a better life but also discourage them from moving into dangerous channels of political thought. 12-47 p.m.

" Thank you, Sir."

*SRI M. NARAYANAN NAMBIAR :—" മിസ്റ്റർ സ്പീക്കർ, സർ, ഏതാണ്ടു 20 കൊല്ലത്തോളമായി തെക്കൻ കർണ്ണാടകത്തിലെ കൃഷിക്കാർ തങ്ങൾക്കു ഭൂമിയിൽ സ്ഥിരാവകാശം കിട്ടുന്നതിന്നും പാട്ടം നിജപ്പെടുത്തിക്കിട്ടുന്നതിന്നും വേണ്ടി പ്രക്ഷോഭണംകൂട്ടിവരികയാണു്. ഒരു വിദേശഭരണം നിലനിന്നിരുന്ന കാലത്തു് അത്തരം ഒരു നിയമനിർമ്മാണം ഉണ്ടായിട്ടില്ലെങ്കിൽ അതു് മനസ്സിലാക്കാൻ സാധിക്കും. എന്നാൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്ന കാലമിത്രയുമായിട്ടും കഴിഞ്ഞകൊല്ലം മാത്രമാണു് കുടിയൊഴിപ്പിക്കലിനെ തടയുന്നതിന്നുള്ള ഒരു താല്ക്കാലികനിയമം കൊണ്ടുവന്നിട്ടുള്ളതു്. അന്നു പ്രതീക്ഷിച്ചിരുന്ന ആ താല്ക്കാലികനിയമത്തിന്നു പകരം താമസിയാതെതന്നെ സമഗ്രമായ ഒരു നിയമം ഗവർമ്മേണ്ടു് കൊണ്ടുവരുമെന്നു്. എന്നാൽ ആ പ്രതീക്ഷ വെച്ചുകൊണ്ടിരുന്ന ആളുകൾക്കു് പിന്നീടു് നിരാശയാണുണ്ടായതു്. കഴിഞ്ഞ അസെംബ്ലി പിരിയുന്ന അവസരത്തിൽ ഒരു ഷോർട്ട് നോട്ടീസ് ചോദ്യത്തിന്നുത്തരമായി ബഹുമാനപ്പെട്ട മന്ത്രി പറയുകയുണ്ടായി ഈ അസെംബ്ലി സമ്മേളനത്തിന്നു വരുമ്പോൾ പുതിയ നിയമത്തിൻെറ കരടു് കാണാൻ സാധിക്കുമെന്നു്. എന്നാൽ ആ പുതിയ 12-50 p.m.

നിയമത്തിന്റെ കാര്യം എന്തായെന്നു ഇപ്പോഴും യാതൊരു വിവരവുമില്ല. പകരം ഗവര്‍മ്മേണ്ടു് കൊണ്ടുവന്നിരിക്കുന്നതു് ഒഴിപ്പിക്കല്‍ തടഞ്ഞുകൊണ്ടുള്ള താല്‍ക്കാലികനിയമം ഇനിയും ഒരു കൊല്ലത്തേക്കുകൂടി നീട്ടുന്നതിനുള്ള ഒരു ബില്ലാണു്. ഏഴര കൊല്ലത്തോളം ഭരിച്ചിട്ടും അടിയന്തിരമായ ഈ വിഷയത്തെ സംബന്ധിച്ചിടത്തോളം ഒരു സ്ഥിരം നിയമമുണ്ടാക്കാനുള്ള ഭാവന കോണ്‍ഗ്രസ്സ് ഗവര്‍മ്മേണ്ടിന്നു ഉണ്ടായിട്ടില്ലെങ്കില്‍ ഇനി ഈ ഒരു കൊല്ലം കഴിഞ്ഞാലും അതുണ്ടാകുമെന്നു പ്രതീക്ഷിക്കാന്‍ നിവൃത്തിയില്ല. ബഹുമാനപ്പെട്ട റവന്യൂ മന്ത്രി തെക്കന്‍ കണ്ണാടക ജില്ലയില്‍ സഞ്ചരിച്ചപ്പോള്‍ പ്രസംഗിച്ചതായി കേട്ടു ഈ നിയമനിര്‍മ്മാണത്തെ സംബന്ധിച്ചു തെക്കന്‍ കണ്ണാടകത്തിലെ എം. എല്‍. ഏ. മാരുടെയിടയില്‍ വലിയ അഭിപ്രായവ്യത്യാസമുണ്ടെന്നു്. തെക്കന്‍ കണ്ണാടകത്തിന്നു മാത്രമായി ഒരു നിയമം കൊണ്ടുവരുന്നതിന്നും അവര്‍ അനുകൂലമല്ലത്രെ. ചിലര്‍ സംസ്ഥാനത്തിന്നൊട്ടാകെ ബാധകമാകുന്ന ഒരു പൊതു നിയമം വേണമെന്നു പറയുന്നുണ്ടു് എന്നെല്ലാം മന്ത്രി പറയുകയുണ്ടായി. കോണ്‍ഗ്രസ്സ് മെമ്പര്‍മാരുടെയിടയില്‍ മാത്രമായിരിക്കണം ഈ അഭിപ്രായവ്യത്യാസം എന്നു ഞാന്‍ കരുതുന്നു. കോണ്‍ഗ്രസ്സ് കക്ഷിയില്‍പെട്ട അംഗങ്ങളോടല്ലാതെ മററാരോടും ഗവര്‍മ്മേണ്ടു് ഈ നിയമത്തെക്കുറിച്ചു ആലോചിച്ചിട്ടില്ല. മററാരുടേയും അഭിപ്രായം ബഹുമാനപ്പെട്ട മന്ത്രി ആരാഞ്ഞിട്ടുമില്ല. കോണ്‍ഗ്രസ്സ് അംഗങ്ങള്‍ക്കിടയിലുള്ള അഭിപ്രായവ്യത്യാസത്തിന്റെ പേരില്‍ കൃഷിക്കാര്‍ക്കു ആനുകൂല്യം നല്‍കാനുള്ള നിയമനിര്‍മ്മാണത്തെ വിളംബിപ്പിക്കുന്നതു് നീതിയാണോ എന്നു ആലോചിക്കേണ്ടതായിട്ടുണ്ടു്. എന്താണു് ഈ അഭിപ്രായവ്യത്യാസത്തിന്നു കാരണമെന്നു മനസ്സിലാകുന്നില്ല.

"ഒഴിപ്പിക്കല്‍ തടഞ്ഞതുകൊണ്ടു് കൃഷിക്കാര്‍ക്കു എന്തെങ്കിലും ഗുണമുണ്ടായിട്ടുണ്ടോ എന്നു പരിശോധിക്കേണ്ടതാണു്. ഒഴിപ്പിക്കല്‍ തടഞ്ഞതുകൊണ്ടു് കൃഷിക്കാരനല്ല ജന്മിക്കാണു് കൂടുതല്‍ ഗുണമുണ്ടായിട്ടുള്ളതെന്നു പറഞ്ഞാല്‍ ഒട്ടും അതിശയോക്തിയല്ല. തെക്കന്‍ കണ്ണാടകത്തിലെ സ്ഥിതി അറിയാവുന്നവര്‍ക്കെല്ലാം ബോദ്ധ്യമുള്ള കാര്യമാണു് അവിടത്തെ ജന്മികുടിയാന്‍ ബന്ധം മുഴുവനും രേഖയില്ലാത്ത ഇടപാടുകളാണെന്നു്. പല സ്ഥലങ്ങളിലും ജന്മികുടിയാനില്‍നിന്നു രേഖ വാങ്ങിവെച്ചിട്ടുണ്ടു്. എന്നാല്‍ കുടിയാനു ജന്മിയില്‍ നിന്നു യാതൊരു എതിര്‍രേഖയും ലഭിക്കാറില്ല. ജന്മിക്കു് പാട്ടം കൊടുത്താലും രശീതി കൊടുക്കുന്ന ഏര്‍പ്പാടില്ല. കുടിയാന്റെ കൈവശം ഇത്ര കൊല്ലം ഭൂമി ഇരുന്നുവെന്നു തെളിയിക്കുന്നതിന്നുള്ള യാതൊരു രേഖയും കുടിയാന്റെ പക്കലുണ്ടായിരിക്കയില്ല. അതുകൊണ്ടു് കോടതിയില്‍ പോയാലും കുടിയാനു് രക്ഷയില്ല. ജന്മിക്കു ധാരാളം രക്ഷ കിട്ടുന്നുമുണ്ടു്. ഇങ്ങനെ പല ന്യൂനതകളുമുള്ള ഈ നിയമത്തെ ഇനിയും ഒരു കൊല്ലംകൂടെ നീട്ടുന്നതു് കൃഷിക്കാരോടു് ചെയ്യുന്ന ദ്രോഹമാണു്. ഇന്നു വാരവും പാട്ടവും ഒന്നിനൊന്നു വര്‍ദ്ധിപ്പിച്ചുകൊണ്ടിരിക്കയാണു്. അതു് കൊടുക്കുവാനുള്ള കഴിവു് കൃഷിക്കാരനില്ല. അങ്ങിനെ വര്‍ദ്ധിച്ച വാരം കൊടുക്കാന്‍ കൃഷിക്കാരന്നു കഴിഞ്ഞില്ലെങ്കില്‍ ഈ ഒരു കൊല്ലംകൂടെ കഴിയുമ്പോള്‍ കൃഷിക്കാരന്റെ ഭൂമിയെല്ലാം ആരുടെ കൈവശത്തിലാകുമെന്നു പ്രത്യേകം പറയേണ്ടതില്ല. ഇതെല്ലാമാലോചിക്കുമ്പോള്‍ ഗവര്‍മ്മേണ്ടു് ഈ നിയമം നീട്ടിക്കൊണ്ടുപോകാന്‍ തീരുമാനിച്ചതു് ആക്ഷേപാര്‍ഹമാണെന്നു പറയാതിരിക്കാന്‍ നിവൃത്തിയില്ല. ഒരു സോഷ്യലിസ്റ്റ് സാമൂഹ്യവ്യവസ്ഥിതിക്കു വേണ്ടി നിലകൊള്ളുന്നുവെന്നു അവകാശപ്പെടുന്ന കോണ്‍ഗ്രസ്സ് ഗവര്‍മ്മേണ്ടിന്നു് നീതിബോധത്തോടുകൂടി പ്രവര്‍ത്തിക്കുവാനും ജനങ്ങള്‍ക്കു നന്മചെയ്യുവാനുമുള്ള കടമയില്ലേ എന്നു ഞാന്‍ ചോദിക്കുന്നു. എന്തിനിങ്ങനെ പ്രസംഗിക്കുന്നു? സോഷ്യലിസം പ്രസംഗിച്ചതുകൊണ്ടുമാത്രം ജനങ്ങളുടെ ജീവിതത്തോതുയര്‍ത്താന്‍ സാദ്ധ്യമല്ല. അതു് പ്രവര്‍ത്തിച്ചുകാണിക്കുകയാണു് വേണ്ടതു്. കഷ്ടത അനുഭവിക്കുന്ന ജനവിഭാഗത്തെ രക്ഷിക്കാന്‍ സാധിക്കാത്തിടത്തോളം ഈ ഗവര്‍മ്മേണ്ടു് എന്തെങ്കിലും നല്ലതു ചെയ്തു എന്നു പറയാന്‍ സാദ്ധ്യമല്ല.

"ബഹുമാനപ്പെട്ട മന്ത്രി തെക്കന്‍ കണ്ണാടകത്തില്‍ സഞ്ചരിച്ചുകൊണ്ടിരുന്നപ്പോള്‍ അദ്ദേഹത്തിന്നു നിരവധി ഭൂവുടമകളുടെ നിവേദനങ്ങള്‍ ലഭിക്കുകയുണ്ടായി എന്നറിയുന്നു. ആ നിവേദനങ്ങള്‍ സമര്‍പ്പിക്കുമ്പോള്‍ ബഹുമാനപ്പെട്ട ആരോഗ്യമന്ത്രി ശ്രീ എ. ബി. ഷെട്ടിയും സന്നിഹിതനായിരുന്നുവെന്നറിഞ്ഞു. ഈ നിയമനിര്‍മ്മാണം നീട്ടിക്കൊണ്ടു പോകുന്നതില്‍ ആരോഗ്യമന്ത്രിക്കുകൂടി വല്ല കയ്യും ഉണ്ടോ എന്നറിഞ്ഞില്ല. കഴിഞ്ഞ അസെംബ്ലി സമയത്തു സൌത്ത് കാനറയിലെ ഒരു മെമ്പര്‍ പറയുകയുണ്ടായി ആരോഗ്യമന്ത്രിയാണു് ഇതിനെല്ലാം തടസ്സമായി നില്‍ക്കുന്നതെന്നു്. ഇക്കാര്യത്തില്‍ അദ്ദേഹം

15th February 1955] [Sri M. Narayanan Nambiar]

ത്തിന്റെ നില ആരോഗ്യമന്ത്രി വ്യക്തമാക്കേണ്ടിയിരിക്കുന്നു. ഞാൻ ഇപ്പറയുന്നതു് കേൾക്കുവാൻ ആരോഗ്യമന്ത്രി ഇപ്പോൾ സഭയിൽ ഹാജരില്ലെങ്കിലും ഇക്കാര്യം അദ്ദേഹത്തിന്റെ ശ്രദ്ധയിൽപ്പെടുമെന്നു ഞാൻ വിചാരിക്കുന്നു. തെക്കൻ കർണ്ണാടകത്തിൽ ജന്മിമാരും കുടിയാന്മാരും തമ്മിൽ സൌഹാർദ്ദത്തിൽ കഴിയുകയാണു്, അതുകൊണ്ടു് അവിടത്തേക്കു ഒരു കുടിയായ്മ നിയമമേ ആവശ്യമില്ല എന്നാണുപോലും മന്ത്രിക്കു ലഭിച്ച നിവേദനങ്ങൾ. ഇതു് പത്രറിപ്പോർട്ടുകളിൽ കണ്ടതാണു്. അതാണു് പരമാർത്ഥമെങ്കിൽ ഈ ബില്ല് തന്നെ ആവശ്യമായിരുന്നോ എന്നു ചോദിക്കാൻ തോന്നിപ്പോകും. അതാണു് അവിടുത്തെ നിലയെങ്കിൽ ജന്മിമാരെല്ലാംകൂടി ഒത്തിറങ്ങി ഇത്രയധികം നിവേദനങ്ങൾ സമർപ്പിക്കേണ്ട ആവശ്യം എന്തായിരുന്നു? അവിടത്തെ യഥാർത്ഥനില അതല്ലെന്നു ഇതുകൊണ്ടുതന്നെ വ്യക്തമാണു്. ഇന്നു് അവിടത്തെ സ്ഥിതി വളരെ ഗുരുതരമായിത്തീർന്നിട്ടുണ്ടു്. അതുകൊണ്ടാണു് ജന്മിമാർ സംഘം ചേർന്നു കൃഷിക്കാർക്കെതിരായി മുന്നോട്ടിറങ്ങിയിരിക്കുന്നതു്. ഈ ഗുരുതരമായ നില മനസ്സിലാക്കി, ഇക്കാര്യത്തിൽ അടിയന്തിരമായ ശ്രദ്ധ പതിപ്പിച്ചു ഇനിയും ഒരു കൊല്ലം കാത്തിരിക്കാതെ സമഗ്രമായ ഒരു സ്ഥിരം നിയമം എത്രയും വേഗത്തിൽ നിർമ്മിക്കുന്നതാണെന്നു ഗവർമ്മെണ്ടു് ഉറപ്പു തരേണ്ടതാണു്. 1955 കഴിയുമ്പോൾ അവിടുത്തെ എം. എൽ. എ. മാരുടെ അഭിപ്രായവ്യത്യാസങ്ങളെല്ലാം തീർന്നുകിട്ടുമോ എന്നു എനിക്കു നിശ്ചയമില്ല. അതുകൊണ്ടു് ഇനിയും ഈ നിയമം നീട്ടിവെക്കാൻ ഗവർമ്മെണ്ടു് ആവശ്യപ്പെടുമോ, അതോ പുതിയ നിയമം കൊണ്ടുവരാൻ തയ്യാറാകുമോ എന്നൊന്നും തീർത്തുപറയാൻ സാദ്ധ്യമല്ല. ബഹുമാനപ്പെട്ട മന്ത്രി അതൊന്നു വ്യക്തമാക്കിയാൽ നന്നായിരിക്കുമെന്നു പറഞ്ഞുകൊണ്ടു് എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

* SRI L. C. PAIS :—“ Mr. Speaker, Sir, the existing Act— 1 p.m.
Act VI of 1954 gives temporary or interim protection to the cultivating tenants in South Kanara from eviction on certain terms and conditions. The present Bill is intended to extend the life of the old Act for a period of one year. Certainly there can be no objection to such an extension. I would however make a few observations touching South Kanara tenancy legislations for what South Kanara has been demanding, what South Kanara has been hoping for and what South Kanara requires is not so much interim legislation to be extended from time to time, but substantive legislation, defining correctly, the relationship between the landlord and the tenant. I agree that it is not easy to bring in such a legislation. Questions like grant of a permanent tenure with rights of alienability and heritability are difficult questions which cannot be solved in a moment. The tenants would like to have the maximum of concessions. The landlords are not willing to concede even the minimum of concessions. We have gone through the Tamil Nad Congress Committee's Report on land reform published just a day or two back. We know even that has not had a good reception among the public These are conflicting interests which do not admit of easy solution.

“ Sir, from what is stated in the Statement of Objects and Reasons appended to the Bill, one thing is clear. Even at this stage, the Government have not made up their mind as to whether they should bring in a comprehensive legislation or not. The result is we are exactly where we were years ago, when some of us started asking for tenancy legislation. Every time we asked for it, we were told that it was coming. But it is clear from this Bill that Government have not made up their mind one way or the other.

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" What is it that South Kanara is asking for. What is it that the people there are demanding? Just the barest minimum as very modest and moderate form of reform possibly acceptable to everybody. What is wanted is legislation which would guarantee four fundamental principles. The first of these is what is known as security of tenure. As has already been explained by hon. Members, there is no security of tenure for a class of tenants in South Kanara. The chalgeni tenancy is a tenancy at will. At the end of the year the tenant has to give up the holding, if the landlord so desires it even though he has been paying his rents regularly. To start with what is required today is security of tenure—security of tenure at any rate to good tenants who are paying rents in time and without recourse to law. The law as it prevails in South Kanara today empowers the landlord to remove the good tenant as well as the bad tenant. The first thing that we ask for is therefore to protect the tenants who are paying rents regularly and in time.

" Secondly there is the question of fixation of a fair rent. The tenants feel that the rents are too high. The landlords feel that the rents are too low. My suggestion is this. Let there be a machinery, a tribunal to which all matters connected with fixation of rent can be referred and fair rent fixed.

" When I say there should be security of tenure for the tenants, I also want that the landlord should have the right to resume the land if he wants it for his personal cultivation. His right to resume the land for personal cultivation should not be denied to him. I think this is a legitimate right that should belong to the landlord because in South Kanara there are any number of smaller landlords and when they require the land for their own personal cultivation, their right should be admitted.

" The fourth point on which I would like the Government to legislate is to enable the ryots to get compensation for improvements effected by them. The hon. Members of the House know very well the conditions obtaining in South Kanara. The tenancy is at will and the leases taken generally contain a clause which says that they cannot effect improvements and that even if they do effect them they have no right to claim compensation therefor. According to the customary law prevailing in South Kanara, tenants are entitled to get compensation for improvements provided of course they have not contracted themselves out of their right. When Sri Kutti Krishnan Nair was the Law Minister, he asked some of us to submit him drafts of the proposed legislation. We have done so. It was on the model of the Rent Control Act, that I have submitted a draft. The Rent Control Act does not confer permanancy rights in the tenants. It simply protects good tenants from eviction. It has also been provided in that Act that the aforesaid person can go before the Rent Controller and get fair rents fixed. Is it too much on the part of the tenants of South Kanara to ask the Government to safeguard their just rights

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at least to this minimum extent? I do hope that the Hon. Minister would consider seriously this point of view and bring in immediate legislation on the lines suggested by us. Government may treat it as the first instalment of reforms they are giving to South Kanara, leaving bigger issues to be determined later on. The bigger issues like (1) ceiling on land ownership, (2) grant of permanent rights, (3) rights of alienability and heritability of leaseholds to be dealt with when legislation for the entire State is introduced. If the bigger issues could be tackled immediately and included in the proposed comprehensive legislation so much the better but let not the entire legislation be postponed because the bigger issues have to be tackled. There is no reason why this minimum legislation that we are asking today and which does not prejudice anybody, which does not really infringe on the rights of the landlords and which the landlords themselves are likely to favour, should not be given to us. Most of the landlords want that their rents should come in at the end of the year in time and regularly. The legislation that we suggest ensures this right.

"Lastly, Sir, I would like to say a few words about the amendment given notice of by the hon. Member Sri . . ."

Mr. SPEAKER :—" I have ruled that out of order."

* Sri L. C. PAIS :—" Then, Sir, I would like to say a few words on the point touched by that amendment, because there is nothing to prevent the Hon. Minister himself from bringing an amendment. I would like to bring to the notice of the Government and the Hon. Minister the fact that when interim legislation was introduced last year, certain conditions and terms were laid down regarding payment of rent. One such condition was that the rent should be paid by a particular date. Due to pure ignorance of/and or for other justifiable causes there might have been lapses on the part of the tenants. They may be allowed to pay the arrears along with the current year's rental. After all the landlord wants rent. He asks for eviction of the tenant because rent is not paid to him. On grounds of equity, Government may come to the rescue of such tenants by introducing suitable amendments to the Bill."

Mr. SPEAKER :—" I must tell the House that we may sit till 1-45 p.m. and finish this Bill before lunch. If the Hon. Minister wants, he may introduce the other bill also before lunch. Then we may adjourn for lunch and reassemble at 3 p.m. The extra time we take now will be made up there."

* Sri M. NARAYANA KURUP :—" Mr. Speaker, Sir, when I listened to the left-handed compliments paid by the hon. Members from South Kanara to the Hon. Minister, I was reminded of the famous saying of Anthony : 'I come to bury Caesar and not to praise him.' I welcome their statement because of the fact that it shows that the revelation is coming upon them that it is no use depending upon the Congress Government for Land Reforms. 1–10 p.m.

Sir, this is another instance wherein the profession of the Government varies from their practice. As has been pointed out by the hon. Members from South Kanara, not only the people of South Kanara but also the people of this whole State including the hon. Members of this House believed that the legislation would be coming up before the end of the year. Sir, South Kanara is the only district in the State where there is no protection for tenants, as has been pointed out by the representatives of that district. It is a district where Harijans form the majority of agricultural labour and they are brought and sold like chattels along with the land and they too have no protection.''

MR. SPEAKER :—'' Like slaves! ''

* SRI M. NARAYANA KURUP :—'' By using the word ' sold ' I meant that their labour is sold.

'' Sri Pais said that the tenants of South Kanara have no rights to improvement even in 1955, which right Malabar tenants obtained as early as 1896. We must see how this district has suffered for want of tenancy legislation for such a long time. The reason is not far to seek. This district has been right through a citadel of strength for the Congress. We are now passing through the fourth year of the Five-Year Plan. The Five-Year Plan dealing with land reforms opens with the following sentence : ' That the contents and achievement of the Five-Year Plan would largely depend on the land legislation which the Government are able to put through.' The legislation suggested by them is for removal of intermediaries. They have also suggested tenancy legislation providing for fixity of tenure, fair rent and putting a ceiling on land holdings. Are these proposals revolutionary? In this connexion, I would refer to one sentence in the latest pronouncement of the Minister for Planning, Sri G. Nanda, made at the Seminar on ' Regional Development ' in Coimbatore. He said : ' The objective of land policy which were set out in the Five-Year Plan were relatively modest. It must be admitted that although in the country as a whole, the objectives have still to be fulfilled adequately, several States in the South are lagging behind a number of other States.' It was courteous on the part of the Hon. Minister he did not directly point his finger towards our State. We know that in the States of Hyderabad, Mysore and Travancore-Cochin, land reforms on a much larger scale and on a much progressive scale have been undertaken. We used to take pride in the fact that our State was once the State which gave the lead in all progressive legislative measures. I do not know why we have now allowed ourselves to be led by the North. As has been pointed out by some hon. Members, there is a feeling among the people and the representatives of South Kanara that the influence of South Kanara at the highest level of our State administration is responsible for the postponement of the tenancy legislation at every stage. Sir, when the Hon. Minister visited South Kanara, I was surprised to find in the papers that a deputation waited on him and told

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him 'All is quiet on the Western Front and there is no trouble between landowners and tenants here'. But this is not a fact. That sort of cordiality does not exist in South Kanara. I do not know why the Government have failed to bring forward a permanent measure for South Kanara and why they want to postpone it by extending the life of the present temporary Act. The draft Bill was circulated among the Congress Members of South Kanara as early as six months ago, that is, in October last year before the District Board elections. What became of that Bill? Were not six months sufficient for this Government to bring forward that measure? On the other hand, we find other legislations coming in numbers with short notice. Therefore, something is wrong somewhere or something is rotten in the State of Denmark. The hon. Members of South Kanara will have to be enlightened more and more on this matter and if they want a progressive legislation, they will have to look not to the Party in power but in different directions and adopt different policies."

* Sri T. Ananta Pai :—" Mr. Speaker, Sir, the hon. Member Sri Narayana Kurup, who preceded me made some observations that Members coming from South Kanara were not very complimentary in what they stated about the Hon. Minister for Land Revenue. I fully agree that whatever has been said so far is not complimentary because the promises that the Congress organization has made to the people at large about land reforms have not been carried out in South Kanara. We are responsible not only to the Congress organization but also to the people who have trusted us and sent us here. Mr. Kurup was partially correct when he wanted to know the reasons why a permanent measure had been delayed. Unfortunately the hon. Member, Sri Kolkebail, who represents his Party is not here in this House to support him. When the Hon. Minister for Land Revenue visited South Kanara recently the landlords belonging both to the Congress Party and the Praja Socialist Party—the landlords belonging to the Praja Socialist Party were in no way less enthusiastic about it—prevailed upon him in trying to prevent a permanent measure coming in here. In fact, when the Hon. Sri Subramaniam visited Udipi recently, the Vice-President of the Praja Socialist Party of the place presented a memorandum to him on those lines and just the previous week he was presiding over meetings in the villages accusing the Government of not introducing land reforms. By referring to all these matters, I am not accusing Sri Kurup but I want him to know the actual state of affairs and also how his Party in South Kanara has been behaving. Sir, the Government are fully aware that conditions in the district of South Kanara are such that the tenants there require protection; they have already stated that they want to prevent eviction of tenants and they also want to bring forward a comprehensive piece of legislation. This is what the Hon. Minister will say in his reply and I am trying to anticipate him in this respect. I wish even in the Preamble to this Bill the Government had stated when the permanent measure is going to be brought forward.

"Then, Sir, we are fully aware that some vested interests are working for the postponement of the permanent measure. It seems that they are carrying on a propaganda that a permanent legislation is not necessary for South Kanara. Meetings had been held and telegrams had been sent to the Government for this purpose behind our back. I am sure, the Hon. Minister for Land Revenue would not have been carried away by this propaganda when he visited the district recently that the landlords and tenants in South Kanara are completely at peace. If that is the state of affairs, then even this temporary extension of the Act is not necessary, and it would be ridiculous to bring into existence a piece of legislation to regulate conditions which already exist. Secondly, I understand that it has been represented by these interests that the Congress M.L.As. have been talking about this permanent measure with an eye on the next general election. After all, do we not know by whom we were elected? We represent both the landlords and tenants and it is difficult to find out who voted us into office. But having been voted into office, it is our duty to see that we stand by the policy and programme of the Party to bring about land reforms. We have to do what we consider just and to the best of our conscience. Even by doing so, if we are voted out of office at the next election, we are prepared for it. We cannot go on promising things which we may not carry out. People have a right to expect political honesty from us and we cannot say one thing and do another. On the one side of our district in the Bombay
1-20 p.m. State, a legislation has already been passed which gives only one-sixth of the gross produce to the landlord who is also required to pay even the assessment. On the other side is the Malabar Tenancy Act covering some of the villages of South Kanara. In between these two is the district of South Kanara and, naturally, the agitation on behalf of the tenants proceeds on the basis they also should be given certain rights and privileges.

"Now, one of the things which had been represented to the Government was that it was enough if South Kanara was covered by tenancy legislation along with a comprehensive legislation for the whole of the State. I suspect some of the landlords believe that for Tamilnad there will not be any land reforms coming at all. So they say, 'if we are going to have a piece of land reform legislation for entire State, we do not mind, having the reforms then.' Why should we be treated separately? Then I had discussions with the Hon. Minister for Land Revenue when I came to Madras last. He told me that in June or July 1955 we were going to have a comprehensive piece of legislation for Tamilnad. So, I issued a press statement that the Government would be bringing about a comprehensive legislation for the entire State in June or July and that we in South Kanara would also be getting ours along with the rest of the State.

"This has upset some of our landed interests. Since then fresh memoranda have been submitted saying that conditions in South Kanara were very peculiar, that it should not be compared with the rest of the State and that even if land reforms were

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considered necessary for the rest of the State, it was unnecessary for South Kanara. I do hope that the Government will not get into this trap. The Government will have to stand by the promises that they have made. Otherwise, if the people were to say ' Who are these M.L.A.s? They do not represent us,' it would be better if the Government were to call upon us to tender our resignations if they are not willing to listen to us. We represent both the landlords and the tenants as well as all other classes. We place before the Government certain things as they exist to-day and as people's representatives we have to express ourselves without fear or favour. The Congress stands committed to land reforms, it stands committed to give protection to the ryots and it also stands committed to ensure a fair rent to the tenant. On the question of what is fair rent and that sort of thing, I do not think that a rough and ready formula can be furnished. But as long as the landlords are allowed to continue as a class, they may well ask that their viewpoint has to be considered before legislation is brought in and whenever it is just and reasonable it has to be accepted. What is that viewpoint? The viewpoint is that if the tenant fails to pay the rent, the landlord must not be put to the necessity of having recourse to costly processes of law for recovering it. His rights must also be protected. If he wants land for personal cultivation, subject to certain restrictions, he must be enabled to have it. Of course, we must remember at the same time our idea is not to have a Landlords' Protection Bill but a Bill to prevent the eviction of tenants. But certain things become inevitable and within certain limits the landlord has also got to be protected and enabled to get back his land.

" Then, Sir, coming to the question of fair rent, it must be definitely decided what it should be. There must be no confusion about it. Neither the landlord nor the tenant must be put to the necessity of having recourse to courts of law and waste a lot of money in arriving at it. We have to consider all these things but we must not take a long time over them because the longer we take the more the deterioration that will set in. The landlord-tenant relationship is a precious one. It is something like passing an Act to regulate the relationship between husband and wife. When political parties interfere and try to take advantage of the differences between landlords and tenants, the relationship between the two becomes a football between the various political parties. Therefore, the sooner we take a decision and arrive at fair conclusion, the better it will be for all concerned.

" Of the First Five-Year Plan already four years have gone by and we have got only one more year in which to bring in land reforms as directed by the Planning Commission. It is not as if we want to take away all that the landlords possess. If the idea is to raise the standard of living of the people of India of whom the agriculturists constitute the bulk, unless their earnings are improved and they are enabled to save something, I do not think

the idea of a Welfare State could be satisfactorily explained. People have a right to expect that they are entitled to a fair share of their labour.

"Sir, I want to make my position very clear on the floor of this House. It is not as if we are having anything against the landlords and it is not as if we are having an eye on the coming elections because several of us may not stand for elections, but because having once committed ourselves to bring in suitable legislation to ensure social justice nothing should come in the way of the fulfilment of the obligation that we have already committed ourselves to."

* SRI M. NARAYANA KURUP :—"A word of personal explanation, Sir. I am one of those who believe that no party is totally good or totally bad including my own party. There may be vested interests in my party also. What I want to say is that only the influence of the vested interests in the Congress is more predominant than that of the vested interests in my own party."

*** SRI K. ISHWARA :**—"ಅಧ್ಯಕ್ಷರೆ, ಮಾನ್ಯ ಕಂದಾಯ ಮಂತ್ರಿಗಳು ತಂದಿರುವ ಈ ಮಸೂದೆಯನ್ನು ನಾನು ಅನುಮೋದಿಸಿ ಕೆಲವು ವಿಷಯಗಳನ್ನು ಹೇಳಲು ಬಯಸುತ್ತೇನೆ. ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ ಸುಮಾರು 20 ಲಕ್ಷ ಜನಸಂಖ್ಯೆ ಇದ್ದ ಜಿಲ್ಲೆಯಾಗಿರುತ್ತದೆ. ಇದರಲ್ಲಿ ಶೇಕಡ 70 ರಷ್ಟು ವ್ಯವಸಾಯಮಾಡಿ, ಜೀವಿಸುವ ಜನರಿರುತ್ತಾರೆ. ಭೂಮಿಯು ಹೆಚ್ಚಾಗಿ ಶ್ರೀಮಂತರ ಸ್ವಾಧೀನದಲ್ಲಿದೆ. ರೈತರಿಗೆ ಸರಿಯಾದ ಭಾಗ ಬಾರದ್ದರಿಂದ ಅವರಲ್ಲಿ ಅತೃಪ್ತಿ ಉಂಟಾಗಿದೆ. ಈ ವಿಷಯದಲ್ಲಿ ಮಸೂದೆಯನ್ನು ತರಬೇಕೆಂದು ಸರಕಾರದ ಗಮನಕ್ಕೆ ತರಲಾಯಿತು. ಆದ್ದರಿಂದ ಕಳೆದ ವರ್ಷ ಒಂದು ಮಸೂದೆಯನ್ನು ತಂದರು. ಅದು ಈಗ ಜಾರಿಯಲ್ಲಿದೆ. ಆದರೆ ಅದು ತಾತ್ಕಾಲಿಕ ಅನುಕೂಲತೆ ಮಾತ್ರ ಮಾಡಿಕೊಟ್ಟಿದೆ. **Comprehensive legislation** ತರುತ್ತೇವೆಂದು ಹೇಳುತ್ತಿದ್ದರೆ, ಈ ಭೂ ಸುಧಾರಣೆಯ ಪ್ರಶ್ನೆಯನ್ನು ಇನ್ನೂ ಮುಂದೊತ್ತಿ ಹಾಕುವುದು ಜಿಲ್ಲೆಯ ಹಿತ ದೃಷ್ಟಿಯಿಂದ ಹಿತವಲ್ಲವೆಂದು ಸರಕಾರಕ್ಕೆ ದೃಢವಾಗಿ ಸೂಚಿಸುತ್ತೇನೆ. ಕಾಂಗ್ರೆಸ್ ಸಂಸ್ಥೆಯ ಪರವಾಗಿಯೂ ಕೇಂದ್ರ ಪ್ಲಾನಿಂಗ್ ಕಮಿಷನಿನ ಪರವಾಗಿಯೂ ಭೂ ಸುಧಾರಣೆಯ ಪ್ರಶ್ನೆಯನ್ನು ಮೊದಲಾಗಿ ಬಿಡಿಸುತ್ತೇವೆಂದು ಜನರಿಗೆ ಬೇಕಾದ ನಂಬಿಕೆಯನ್ನು ನಾವು ಕೊಟ್ಟಿದ್ದೇವೆಂದು ಚಳವಳಿ ಮಾಡುತ್ತಿದ್ದರೂ ಸರಕಾರವು ಇದಕ್ಕೆ ಗಮನಕೊಡದೆ ಇರುವುದು ನ್ಯಾಯವಲ್ಲ. ಶೀಘ್ರವಾಗಿ ಮಾಡಬೇಕೆಂದು ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಜನರ ಪರವಾಗಿ ತಿರುಗಿ ಒತ್ತಿ ಹೇಳಲು ಬಯಸುತ್ತೇನೆ."

"ಕಳೆದ ವರ್ಷ ವಿಟ್ಲದಲ್ಲಿ ಜರುಗಿದ, ರೈತ ಪರಿಷತ್ತಿನಲ್ಲಿ ಎಲ್ಲಾ ರಾಜಕೀಯ ಪಾರ್ಟಿಗಳು ಭಾಗವಹಿಸಿದ್ದರು. ಪ್ರತಿ ಒಬ್ಬರು, ಭೂ ಸುಧಾರಣೆ ಅವಶ್ಯವೆಂದು ಈ ಸಭೆಯಲ್ಲಿ ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಸರಕಾರವು ತಡಮಾಡದೆ **comprehensive legislation** ತರಬೇಕೆಂದು ಮಾನ್ಯ ಮಂತ್ರಿಯವರಿಗೆ ಸೂಚಿಸಲಾಯಿತು. ಕಳೆದ ತಿಂಗಳಲ್ಲಿ, ಮಾನ್ಯ ಮಂತ್ರಿಯವರು ನಮ್ಮ ಜಿಲ್ಲೆಯಲ್ಲಿ ಪ್ರವಾಸ ಮಾಡಿದ ಸಮಯದಲ್ಲಿ ಈ ಮಸೂದೆ ಅವಶ್ಯವೆಂದು ಸೂಚಿಸಿದ್ದರು. ಮಾನ್ಯ ಮಂತ್ರಿಯವರು ಮದ್ರಾಸಿಗೆ ಬಂದ ಮೇಲೆ ಸುಮ್ಮಗೆ ಇರುವುದು ನ್ಯಾಯವಲ್ಲ, ಕೂಡಲೇ ಈ ಮಸೂದೆಯನ್ನು ತರುವರೆಂದು ನನಗೆ ಭರವಸೆ ಇದೆಯೆಂದು ನಂಬಿರುತ್ತೇನೆ."

15th February 1955]

*Sri P. B. K. RAJA CHIDAMBARAM :—" கனம் மன்றத் தலைவர் அவர்களே, **South Kanara Cultivating Tenants Protection** மசோதாவை வரவேற்பதற்காக நான் பேச முன் வந்துள்ளேன். ஆனல் வெகு தொலைவிலுள்ள தென் கன்னட மாவட்டத்தில் செய்யவிருக்கும் சீர்திருத்தத்தைப்பற்றி திருச்சி மாவட்டத்திலுள்ள நான் என்ன பேசப்போகிறேன் என்பதைப்பற்றிய சந்தேகம் கனம் தலைவருக்குக்கூட உண்டாகியிருக்குமென்று நான் நினைக்கிறேன். ஒரு தொத்து நோய் பக்கத்திலுள்ள ஜில்லாவில் பரவிவிட்டது என்ருல் அதற்கு அடுத்த ஜில்லாவில் இருப்பவன் தங்கள் ஜில்லாவிலும் அந்த நோய் பரவி விடப்போகிறதே என்ற அச்சத்தில் அந்நோய் பரவாமல் இருப்பதற்கு வேண்டிய நடவடிக்கைகளை எடுத்துக்கொள்வான் என்பது நாம் எல்லோரும் உணர்ந்துள்ள விஷயம். 1-30 p.m.

"இன்று நம் நாட்டின் முன்னேற்றத்திற்கும், நம் நாட்டிலுள்ள மக்களின் நல்வாழ்வுக்கும் குறிப்பாக சென்னை ராஜ்யத்திலுள்ள நிலம் படைத்தவர்களுக்கும், அந்நிலத்தை பயிரிடுபவர்களுக்கும் இடையே நல்லுறவு நீடிக்கவேண்டுமென்ற கருத்தோடும் சிற்சில காரியங்கள் மேற்கொள்ளப்பட்டு வருகின்றன. அதற்குக் காரணம் சில காலமாக நம் ராஜ்யத்திலுள்ள நிலமுடையவர்களுக்கும், நிலத்தில் சாகுபடி செய்கின்றவர்களுக்குமிடையே நல்லுறவு பாதிக்கப்பட்டு வருவதுதான். இந்தத் தொத்து நோய் ஒரு மாவட்டத்தில் தான் ஆரம்பித்தது என்ருலும் எல்லா மாவட்டங்களுக்கும் பரவிக்கொண்டு வருகின்றது. இது கனம் அமைச்சர் அவர்களுக்கு நன்கு தெரிந்திருக்கலாம். தென் கன்னட மாவட்டத்திலும், மலையாள மாவட்டத்திலும், தஞ்சை மாவட்டத்திலும் மிகப் பெருவாரியாகப் பரவிய இந்த தொத்து நோயைத் தடுப்பதற்காக சர்க்கார் அந்தந்தப் பிராந்தியங்களுக்கு மாத்திரம் சில சீர்திருத்தச் சட்டங்களைக் கொண்டுவந்திருக்கிருர்கள். ஆனல் இந்தச் சீர்திருத்தச் சட்டங்களை ராஜ்யம் பூராவுக்குமாக அரசாங்கம் கொண்டு வராததின் காரணமாக இதர மாவட்டங்களிலுள்ள மக்கள் பெரிதும் ஏமாற்றம் அடைந்திருக்கிருர்கள். உடனடியாக இந்தச் சட்டங்கள் ராஜ்யம் பூராவும் விஸ்தரிக்கப் படாவிட்டால் இதர பகுதிகளிலுள்ள விவசாய மக்களிடையேயும் மிகப் பெரிய அளவில் நான் குறிப்பிட்ட தொத்து நோயானது பரவிவிடும் என்கின்ற நிலைமை நீடித்துக்கொண்டே வருகின்றது என்பதை நான் அமைச்சர் அவர்களுடைய கவனத்திற்குக் கொண்டுவரவே நிற்கின்றேன்

"திருச்சி மாவட்டத்திலும்கூட கடந்த இரு ஆண்டுகளாக நிலமுடையவர்களுக்கும் நிலத்தில் வேலை செய்கின்றவர்களுக்குமிடையே முன்பு இருந்த நல்லுறவு பெரிதும் பாதிக்கப்பட்டு வருகின்றது. அவர்களுக்கிடையே நல்லுறவு பாதிக்கப்படுவதினுல் விவசாயம் பெருத்த அளவில் பாதிக்கப்படுகின்றது என்கின்ற விஷயத்தை நான் அவ்வப்போது அரசாங்கத்திற்கு எடுத்துச் சொல்லிக்கொண்டு வந்திருக்கிறேன். கனம் மந்திரி அவர்கள் சென்ற ஆண்டில்கூட விரிவானதொரு நிலச் சீர்திருத்தச் சட்டம் ராஜ்யம் பூராவுக்கும் வெகு விரைவில் கொண்டுவரப்படும் என்று வாக்களித்தார்கள். ஆனல் இதுவரை வரவில்லை. இந்த விவசாய ஆண்டும் வெகு விரைவில் நெருங்கிக்கொண்டிருக்கிறது. இந்த ஆண்டும் கொண்டுவரப்படும் என்று தோன்றவில்லை. சில தினங்களில் பட்ஜெட் கூட்டம் வந்துவிடும். அப்பொழுது இதைப்பற்றியே கவனிக்க நேரம் இருக்காது. பின்னர் உடனே விவசாய காலம் வந்துவிடும். ஆகவே எப்பொழுது இந்த விவசாய நிலச்சீர்திருத்தச் சட்டத்தைக் கொண்டுவரப்போகிருர்கள் என்பதை கனம் அமைச்சர் அவரகள் கூறவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். தென்கன்னட மாவட்டத்திற்குக் கொண்டுவருவது போல, விரிவான நிலச்சீர்திருத்த மசோதா வருவதற்குள்ளாக, சென்னை ராஜ்யம் பூராவிலும் நிலத்திலிருந்து விவசாயிகளை வெளியேற்ருமல் இருப்பதற்காகவும், சென்னை ராஜ்யத்தில் உணவு உற்பத்தி தடைபட்டுப்போகாமல் இருப்பதற்காகவும் ஏதாவது இடைக்கால ஏற்பாடாக ஒரு சட்டம் கொண்டுவந்தால்கூட ரொம்பவும் நல்லதென்று கருதுகிறேன். இந்த தென் கன்னட நிலச்சீர்திருத்தச் சட்டத்தையே ஆட்சேபிக்க எதுவும் இல்லை

யென்றால் சிறிது மாறுதல் செய்து ராஜ்யம் பூராவுக்கும்கூடக் கொண்டு வரலாமென்று நினைக்கிறேன். அது சாத்தியமா என்று கனம் மந்திரி அவர்கள் பரிசீலனை செய்யவேண்டும். எனக்குச் சட்ட ஞானம் அதிகம் கிடையாது. இதே சட்டத்தைக் கொண்டுவரமுடியாதென்று கனம் மந்திரி அவர்கள் கருதினால் வேறு ஒரு சட்டமாவது இதே கூட்டத்தில் கொண்டு வந்தால்கூட நல்லதென்று நான் கருதுகிறேன். அரசியல் காரணத்திற்காக நான் இப்படிச் சொல்லவில்லை. இந்த ராஜ்யத்திலே விவசாயம் செழிக்கவேண்டும், உற்பத்தி பெருகவேண்டும், நிலச்சுவாந்தார்களுக்கும், விவசாயிகளுக்குமிடையே அமைதி நிலவ வேண்டும், நல்லுறவு பெருக வேண்டும் என்கின்ற காரணங்களுக்காகவே தான் ராஜ்யம் பூராவுக்குமாக உடனடியாக ஒரு நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரவேண்டுமென்று சர்க்காரைக் கேட்டுக்கொண்டு, எனக்குப் பேச சந்தர்ப்பம் அளித்ததற்காக கனம் தலைவருக்கு எனது நன்றியைத் தெரிவித்துக்கொள்ளுகிறேன். வணக்கம்.''

* THE HON. SRI M. A. MANICKAVELU :—'' Sir, the simple object of this Bill is to extend the life of the Bill from one year to two years. The Act of 1954 gave one year's time before which a Tenancy legislation was expected to be brought in for South Kanara. But it could not be done and that is why by this Bill, the Government are asking for another year's time.

'' Now, the Government had proceeded with the drafting of the Bill and it was also thought that it could be published; in fact, I assured in the last session the Member from Udipi that the Bill would be published. But it could not be done. It was not done because while we drafted the Bill, we came across certain defficulties and, therefore, we wanted to set right matters and it took time. So, it was not published and it was not for reasons which some hon. Members think, but for what I have said. Hon. Members should know that South Kanara district is governed by a separate inheritance law, more or less akin to Malabar law and it is not akin to the law that prevails here. Probably some adjustments may have to be made. It remains to be seen whether they should be made or should not be made. Anyway, a doubt arose on that point and then some other small points also arose. That is why the Bill was not published. That does not mean that the Government thereby wanted to drop the Bill or wanted to postpone this legislation for any length of time.

'' This delay which was necessitated in the way I have said was taken advantage of by some people and they began to launch an agitation. They said that the district was calm, everything there was going on smoothly and that there was no trouble; so, legislation was not necessary for that district. In fact, when I toured the district, landlords submitted memoranda that it was not necessary for that district and even if it was necessary, they said, let the Government ponder over the matter very calmly and bring in legislation leisurely and that there was no necessity for any ' hasty legislation '. That is the phrase that was used by them. But, there were also others in the district who wanted the legislation. They said that ' it cannot brook any delay; you must bring in legislation at once.' I may be permitted to state that the Government will not be carried away by the strength or

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the number of people making representation or the frequency with which they make representation or by the number of telegrams they send; we will not be carried away by all that. Government will have to look to the general objects with regard to land reform.

" Now, the Government want to change the pattern of society and especially in the agricultural sector. Therefore, we have to bring in reforms; there is no gainsaying that fact. But the question is when to bring it and how it should be done. Hon. Members are apprehensive that the Government will go on giving some excuses and may not bring in any legislation in time. But I assure the House that the Government are also very anxious about it; the only difference is that Government are not vociferous and they cannot go on talking about it everywhere, either in this House or outside. They think deeply and want to bring in a good, just piece of legislation and that is why it takes time. But however much time it may take, it cannot take a very long time. I am confident that the land reform legislation is a matter of a few months and not a matter of years. (Cheers.) I hope that will satisfy the House.

" Now the question is whether to have a comprehensive legislation for the whole State. The word 'comprehensive' in the Statement of Objects and Reasons refers to South Kanara district. By mistake, some hon. Members have thought that it refers to the whole State. It is not so. The word need not have been used there at all. Anyway, inasmuch as it has been used, I can say it refers only to the South Kanara district.

" Now the question is whether in bringing legislation, the South Kanara legislation can also be tacked on to the general legislation and general scheme of reforms of the State or whether it should be separate. Probably, it may be necessary to have a separate legislation for South Kanara and that is what hon. Members and others have even suggested. That is why we drafted a separate Bill. Probably, a separate Bill may be necessary. If it is not necessary, it could be brought under the Bill for the whole State. But if it is necessary, Government are prepared to have a separate legislation for South Kanara alone.

" Now, Sir, the main question to be thought of in the legislation is 'fair rent'. There is no question about the fact that there must be a fair rent fixed, in the sense that having regard to the object of improving the standard of living, we must have a fair rent. And Government will take care to see what the fair rent must be.

" Then we must avoid evictions. Only with that object the Act of 1954 was also passed and now if this Bill is passed, there will not be any trouble about that. My hon. Friend from Lalgudi raised the point that in other parts of the State also there was trouble some time back. Because of the intervention of leaders of the public and also the Government, the trouble was nipped in the bud, but that we cannot rest content with that, for, the trouble

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may rise again. That is what he said. Well, Sir, with regard to that, we shall take all possible steps to see that no untoward occurrence takes place anywhere. But even if any such thing happens, it may not matter much, because as I said reforms are a matter of months. Therefore, hon. Members need not unnecessarily be
1-40 p.m. apprehensive about that. Besides fair rent and eviction from holdings, we have to consider the question of fixing a ceiling on the extent of land holdings. I too do not know what the ceiling should be. We will have to decide it. On the question of the extent of land to be allowed for personal cultivation also, there is difference of opinion in South Kanara. South Kanara people say that they are governed by a separate law of inheritance known as the Aliyasanthana Law, that partition has not taken place in that district as in the other parts of the State, that only of late partition is taking place and that, if a low ceiling were fixed on individual holdings and on the extent of land available for personal cultivation, many people will be thrown out of employment. We will have to decide that also taking into consideration the peculiar circumstances prevailing in South Kanara. All these points will be considered and a proper Bill brought before the House. We will have to decide also whether there should be a single Bill for the whole State or two separate Bills, one for South Kanara and the other for the rest of the State. Let hon. Members remember that the introduction of the proposed reforms will be only a matter of months.

" The Bill only extends the period of operation of the present Act for another year and I hope the House will pass it."

MR. SPEAKER :—" The question is—

'That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1955, be taken into consideration.' "

The motion was put and carried.

Clause 2.

SRI M. NARAYANAN NAMBIAR :—" Sir, I move—

'*In the last line*, for *the words* " *two years* " substitute *the words* " *eighteen months* ".' "

" The Hon. Minister himself said that the introduction of the proposed reforms will be only a matter of months. So I hope he will accept my amendment. The acceptance of this amendment will allay the fears of the South Kanara people that the Government may delay the introduction of the proposed comprehensive legislation."

SRI K. T. SREEDHARAN :—" I second the amendment."

THE HON. SRI M. A. MANICKAVELU :—" Sir, my hands should not be unnecessarily fettered. In view of what I have said in reply to the debate on the first reading stage of the Bill, there is no need for this amendment and I oppose it."

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The amendment was, by leave, withdrawn.

The Preamble and clauses 1 and 2 were put and carried.

THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—

'*That the Bill be passed into law.*' "

MR. SPEAKER :—" The question is—

'That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1955 (L.A. Bill No. 3 of 1955), be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS PLANTATIONS AGRICULTURAL INCOME-TAX BILL, 1954 (L.A. BILL NO. 30 OF 1954).

* THE HON. SRI M. A. MANICKAVELU :—" Mr. Speaker, Sir, I beg to present the report [a] of the Select Committee on the Madras Plantations Agricultural Income-tax Bill, 1954 (L.A. Bill No. 30 of 1954), and move—

'*That the Bill as amended by the Select Committee be taken into consideration.*' "

" A Select Committee to consider the Madras Plantations Agricultural Income-tax Bill, 1954, was appointed by this Assembly on 9th August 1954. The Committee resolved to hear representations regarding the Bill from persons interested in it and accordingly at its meeting on 28th October 1954, heard representations from associations and persons interested in the Bill. It also decided that it should inspect some of the plantations in the State so that the members might have first-hand knowledge of the conditions prevailing in the estates and accordingly some of the members of the Committee visited a few plantations in the Nilgiris district on 21st and 22nd October 1954.

" This Bill, as you are aware, is intended not only to bring in additional revenue to Government but also to see that there is some progression and equity in the method of taxation on agricultural incomes. Some of the members of the Committee opposed the measure on the ground that it is not proper to make a discrimination by levying agricultural income-tax on plantations alone leaving agricultural income from other sectors free from such tax. Some others opposed it on the ground that the industry was overburdened with tax and that the plantation industry had just recovered from a slump and that any fresh taxation would not only hamper but cripple the growth of the industry, thereby reducing the dollar earnings of this country. The majority of the committee did not however agree with these contentions and was of the opinion that the provisions in the Bill as amended by the Committee fully achieve the objects which the Bill had in view. The provisions

[a] Printed as Appendix IV on pages 590–628 infra.

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of the Bill were subjected to a very careful scrutiny by the Select Committee. This has resulted in several changes being made in the Bill. I would like to mention some of the more important changes.

"As this is the first time the tax is being levied on agricultural income, it was considered that it would be better that super-tax was not levied and accordingly the provision for the levy of super-tax has been omitted.

"As it would cause great hardship if the thousands of small owners cultivating small extents of plantations were required to maintain accounts, planters owning not more than 5 acres in extent if used for growing ten or not more than 15 acres in extent if used for growing any other crop have been completely exempted from the payment of agricultural income-tax.

"Persons owning not more than 20 acres and not less than 5 acres in the case of tea and not more than 60 acres and not less than 15 acres in the case of other crops have been given the option to compound the agricultural income-tax at the concessional rates specified in part II of the schedule which has been substituted by the Committee for the old Part II relating to super-tax.

"In view of the decision not to impose any super-tax it was considered that the maximum rate of agricultural income-tax should be raised to 5½ annas.

"The Government of India have pointed out that no agricultural income-tax can be levied on dividends received by the shareholder of a plantation company and this is supported by certain judicial decisions. Hence the Government can tax the income of the company collectively and not the shareholder individually. On the same analogy, it was considered that a joint family might also be dealt with as a unit and that no special concession need be shown to its members. Liberal concessions have also been allowed in the matter of computing the agricultural income-tax such as by allowing for deduction for replanting expenses, interest on amounts borrowed for current expenditure subject to certain limits and bonus paid to workers.

"It was considered necessary that the agricultural income-tax authorities should have power to impound and retain in custody books of account, etc., and provision has been made accordingly. Power has also been taken to make provisional assessments in advance of regular assessments. As filing an application to the High Court was a laborious process and might cause a lot of inconvenience to the public, it was considered that, instead, provision should be made for filing revision petitions to High Court as in the General Sales Tax Act.

"The plantations have been exempted from the levy of surcharge under the Madras Land Revenue (Surcharge) Act, 1954.

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" The other changes have all been set out in the report of the Select Committee and I need not enumerate them."

MR. SPEAKER :—" Discussion on the Bill will take place after lunch."

The House will now adjourn for lunch and meet again at 3 p.m.

(After lunch—3 p.m.)

MR. SPEAKER :—" The hon. Member Sri K. P. Gopalan will initiate the debate."

* SRI K. P. GOPALAN :—" Mr. Speaker, Sir, this Bill has been scrutinized by a Select Committee and the Report of that Committee has been placed before this House. I have read the Report very carefully and I find that the Government have not come forward to tax the richer people, that is, the plantation owners who derive big profits. Even when this Bill was introduced in this House, the Hon. Revenue Minister was not defending it very vehemently. The Revenue Minister and the Finance Minister always used to say that the Communist Party was opposed to the Congress Government and that it wanted to oppose any taxation measure that the Government might bring forward. Really it is not the case. There is a difference between the policies of the Communist Party and the Congress Party so far as this Bill is concerned. Whenever the Government want to tax the people, we want to know whom they are going to tax and on what classes of people they are going to impose the tax, whether on the rich or on the poor. We are not against the Government in taxing the very rich people. So, when the Bill for the collection of a betterment contribution came up for discussion in this House, the Communist Party wanted that all peasants owning five and less than five acres of land must be exempted from the provisions of that Bill. But the Government did not accept that suggestion. So, I want to state now that we are not opposed to all measures of taxation. We know that a Government cannot be run without taxation. But the point is whether that taxation is going to trouble the poor people or the rich people and for what purpose the proceeds of that tax are going to be used. In this respect there is a difference between the policies of the Congress Party and the Communist Party. That is why from the very beginning we have been arguing in this House that we support the introduction of agricultural income-tax instead of land revenue. As a result of it and as a result of public agitation outside and representations from the various labour and public organizations, the Government at last came forward with a Bill of this kind and in that they accepted the principle to tax the rich, not fully but in part. So, on principle, we decided to support this Bill.

(Deputy Speaker in the Chair.)

" When this Bill came up before this House for the first time, 3-10
I remember the main opposition came from the Congress benches. p.m.
I do not say all the members of the Congress Party opposed this

Bill. Some Members of the Congress Party representing the monopoly capitalist interest, representing even the European capitalist interest which has a hold on the country even now and which is making huge profits out of this industry, opposed this measure. The interests of those people are safeguarded in this Assembly by opposition to this Bill from the Congress benches. If I remember aright, even the Hon. Minister for Revenue said that some Congress members opposed this measure. He further said that the hon. the Leader of the Opposition had explained everything and there was no need for him to explain further. Then, the hon. the Leader of the Opposition said that this Bill should not be sent before a Select Committee. If it was sent before a Select Committee, he said, so many forces will begin to work and Government would water down many of the provisions of the Bill. But Government carried the motion to refer the Bill to a Select Committee. After seeing the Bill as redrafted by the Select Committee, I feel what the hon. the Leader of the Opposition said was very correct. Our party has correctly understood the mind of the Congress Party. I can prove this by facts.

" In the Bill originally presented to the Assembly there was a provision to levy super-tax on plantation owners getting a profit of more than Rs. 25,000. It was a direct tax and it went up to 10½ annas in the rupee. That provision is not found in the Bill that has emerged from the Select Committee. That provision has been taken away. Who are the people, I would like to ask, who gets profits of more than Rs. 25,000 in these plantations. There will be only one, two or three native planters who get such profits. The others are European, British planters who have come to our country and exploited our people, smashed the economic structure of this country, and enslaved the people of our country. They send the huge profits earned from this industry to their country. They are even now standing in the way of the industrialization of our country. They are standing against the interests of our country. By taking the Bill before the Select Committee Government have effected one big change in the original Bill, they have taken away the clause relating to payment of super-tax. By this I can only understand that the Government want indirectly to support the Europeans. This Government are not going to tax the European monopolists in our country and get money to utilize it for the welfare of the State.

" Sir, this is one side of the picture. Another side of the picture is, Government have exempted from payment of tax owners of estates with five acres and less of tea, and 15 acres or less of rubber and other plantations. Now let us consider the case of these small estate owners. Government are indirectly supporting the bigger monopolists in the industry. What is their attitude towards the smaller estate owners? I know there are very many small owners who own 10 acres of tea and 20 acres of coffee and other plantations. The European owners pay only Rs. 1-8-0 per acre. Sometimes they pay even 10 annas or eight annas per acre. Very often they get these lands on lease for hundred years or 99 years. The

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small owners pay a land revenue of Rs. 2, 3 or even Rs. 4 per acre. These small owners depend on bigger companies. Take the Nilgiri Estates for instance. It is the Parry and Co., which owns that estate. There are many smaller estates under them, who sell their leaves to that company. If these smaller owners go to them with their leaves for powdering from factories they demand a bigger charge. So these small owners cannot compete with the bigger companies. Thus these small owners are ruined every day. Again these small people borrow money from the bigger estate owners and run their estates. Have Government done anything to protect these small owners, from this competition of the monopolists? That is the thing we must consider.

"From this we can understand the policy of the Government. They do not take a lenient view of the small owners but when the question of plantation owners who get more than Rs. 25,000 profit, comes they levy a flat rate of only 5½ annas in the rupee. The rate is the same for a planter who gets a profit of Rs. 10 lakhs, for a planter who gets a profit of one lakh of rupees and also for a planter who gets a profit of Rs. 50,000. Hence I say categorically that though this Congress Government say on the floor of this Assembly that they want to tax the richer people for the benefit of the country and the State as a whole, this Bill proves that it is not the policy of the Government. I know at the Avadi Session of the Congress in speeches made supporting the creation of a Socialistic pattern of society, it was said that the state structure must be developed.

"Sir, only if the Government industrialize the country, they will be able to strengthen the state structure and set up a Socialist State. This is the lead given by the Congress Party at the Avadi Session. But the Government are not going to take up that lead. They are not going to confiscate the British properties in our country. Even during the election time the Congress Party promised the electorate that they would confiscate them. So far they have not carried out that promise. I want to know whether they are prepared to drive out the British planters from this country? They are making huge profits in this country. In this connexion, I would like to refer to what our Deputy Leader, Sri Kalyanasundaram, has stated in his Dissenting Minute. This is what he has stated— 3-20 p.m

'Let us take another case, viz., the Chembra Peak Estates, Limited. Its authorized capital in 1944–45 was only Rs. 3,73,360. But by 1947–48, they have been able to increase their issued capital to nearly Rs. 10 lakhs by "ploughing back" the profits and not by additional investment. In the course of ten years, between 1940 and 1950, this company has made a net profit of more than Rs. 21 lakhs, i.e., more than six times the original investment. All these figures are on the basis of the balance sheet submitted by the companies themselves.'

Sir, this is the one instance where private companies are making huge profits and taking them out of this country. The hon. Deputy Leader of the Opposition will cite so many instances like this, and prove that the plantation industry as a whole are making huge profits. In that dissenting minute the words 'ploughing back'

have been used. What does they mean? They mean that the plantation owners want to cheat both the workers and the Government. They cheat the Government by showing in their accounts less profits so that they may not pay more income-tax. They cheat the workers by denying more amenities by asking their shareholders to increase their share by investing or ploughing back their profits. Thus they want to cheat the Government, the workers and the general public. But they will argue that they are giving more amenities to the workers and therefore they are not in a position to pay more tax. It is a very absurd argument. It is a very wrong argument. It does not stand to reason. They can provide more amenities to the workers out of their huge profits. Tax will be levied on profit after meeting all the expenditures including those given to workers. This argument is advanced mostly by European planters.

"Now I want to bring to the notice of the House the fact that 40 per cent of the tea produced in the world is produced in this country. Rupees 78 crores have been invested in the tea industry alone. 60·4 per cent of the total acreage of land brought under tea cultivation are owned by British capitalists. Every year they export 420 million pounds of tea from this country. Last year it was increased by 25 per cent. Now it is the boom period for the tea. The price of tea has increased very much. Formerly the price of one pound of tea was Rs. 1-9-0 and now it is between Rs. 3-9-0 and Rs. 3-10-0. In England it is sold at Rs. 5-4-0 per lb. So, they are making very good profit. But look at the condition of the plantation workers. They are in a deplorable condition. I have got connexion with the plantation labour movement and I am the President of the Plantation Labour Union in Wynaad. About three weeks ago, I visited an estate near Nilambur in the Ernad taluk. There I had seen with my own eyes that about 42 workers were living in a very small hut. It is very difficult for them to live in such small huts where even cattle cannot live. One worker actually came and told me that once or twice in a month, he used to run away from the estate. I asked him why he should run away. He replied that he was getting only four annas and three pies a day and he was not able to purchase even a dhoti and a shirt out of the amount and therefore he had to be away from the estate for two days to earn more money for that purpose. This is the living condition of the plantation workers. They are not provided with good housing accommodation or medical facilities or for that matter other amenities. We got our independence about eight years ago and yet the workers are treated like cattle by European planters and capitalists. I need not state that thousands and thousands of workers have met with death owing to malaria and under-nourishment from these estates and it is on their bones and flesh big bungalows are erected and seen in the estates. I know that in most of the estates the minimum wages fixed by the special tribunal for plantation

3-30 p.m. workers are not being paid. I speak of all these things in connexion with this Bill because the Government's duty is not only to tax the people but they must also know how the people live and

particularly how the workers live in the plantations. I also know that the big organization of planters in South India known as the United Planters' Association of South India which is running its organization just like a Government. The United Planters' Association of South India consists of big and small plantation owners. Leading European monopolists in United Planters' Association of South India are exporting capital from this country and it is only these European planters who are going to be benefited by this legislation. I want to appeal to the Congress Members and to other patriotic people to say whether it is justifiable on the part of the Congress Government to bring in a measure which will benefit the European planters who have enslaved the country and who have upset our economic structure and who are even now exploiting the workers and treating them as animals and beasts.

"I want to suggest to the Government that for incomes over Rs. 25,000 there should be a graded levy of tax up to 10 annas or $10\frac{1}{2}$ annas. Plantation owners possessing 10 acres of tea and 30 acres of coffee, rubber or other plantations should be exempted from any taxation. Thirdly, I want to suggest that the State Government should ask the Central Government to give them a portion of the export duty on tea, etc., just as the Central Government are giving a portion of the export duty on jute to the West Bengal Government. If the Government accept this suggestion, I am sure we would be getting a large amount of money which could be used for the benefit of the people of our State, for starting new industries, unemployment insurance schemes and small cottage industries. I hope the Government would seriously consider these suggestions.

"Till, recently, the plantation owners were giving a bonus of $8\frac{3}{4}$ per cent to the workers. Now they have decided to give only $6\frac{1}{4}$ per cent bonus to the rubber estate workers and 10 per cent to the tea estate workers. While they are making huge profits, the planters are denying the just demands of the workers. I do not therefore understand why this Government should be lenient to big planters and why they should be afraid of taxing the richer classes and these monopolist capitalists including the European capatalists. I am sure the Communist Party will give its support to the Government if they decide to tax the monopolists for the benefit of the poor. The arguments put forward during the discussion on the last occasion by the Leader of the Opposition, Sri P. Ramamurthi, thoroughly go to defend the Bill brought forward by the Hon. Minister for Revenue and I do not want to repeat them here.

"The Congress are now trumpeting forth that they stand for socialism and I submit that this is a test case for the Government of Madras to show to the public that they really stand for socialism. I therefore request the Government to pass this Bill into an Act with as many radical changes as possible to make it a popular Bill so that both the Government and the people may benefit from it. With these words, I resume my seat."

Sri K. T. Raju :—"On a point of order. கனம் தலைவர் அவர்களே, இப்பொழுது முக்கியமான மசோதாவைப்பற்றி விவாதிக்கிறோம். இப்பொழுது கனம் முதலமைச்சர் இங்கு இருக்கவேண்டாமா ?"

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DEPUTY SPEAKER :—" லோகல் அட்மினிஸ்ட்ரேஷன் மந்திரி இருக்கிறார். அவருக்கும் கூட்டுப் பொறுப்பு உண்டு, முதலமைச்சர் இருக்க வேண்டிய அவசியமில்லை."

* SRI L. C. PAIS :—" Mr. Deputy Speaker, Sir, as a member of the Select Committee, I have already submitted my minute of dissent. The points I am raising now are just those points which have been raised in it. I do not want to be misunderstood. I am not questioning the principle that underlies the Bill. If the plantation industries are really making a good income, they have certainly to contribute their mite to the country's exchequer. But my submission to this House is this. Having regard to the big slump in which these industries found themselves for years together, a slump from what they are just emerging, taxing them at very high rates will prejudice the future of these industries to a large extent and will come in the way of replantation and expansion. This is my principal submission to this House and to the Government.

" My objections are two-fold. The first objection is that the rates of taxation adopted are very high and the second is that I object to the manner in which the income is computed for purposes of assessment. I take up the second point first. I would refer in this connection to clause 5 of the Bill which deals with the computation of agricultural income. It states :

'The agricultural income of a person shall be computed after making the following deductions, namely . . .'

" Therefore certain deductions have to be made and certain allowances have also to be made in the computation of this agricultural income. In regard to this my grievance is that the allowances and deductions which are allowed in the Income-tax Act and the allowances and deductions which are actually made in the Travancore-Cochin Agriculural Income Tax Act are not allowed in this Bill. In this connexion, it may be interesting to remember that practically the entire Bill as it stands today is modelled upon the Travancore-Cochin Act. A number of provisions are taken word for word from this Act but when it comes to the question of computation of income certain very necessary deductions and allowances have been omitted.

3-40 p.m. " I refer principally to those items which are usually considered as items of legitimate expenditure in every plantation industry. It is just and equitable that these items should be taken into account and deducted when we compute the income. In the original bill no item of interest was sought to be deducted. But on account of the discussions we had in the Select Committee, the clause to deduct one item of interest was added and that is found in clause 5 (*k*). It says :

'any interest paid in the previous year on any amount borrowed and actually spent on the plantation from which the agricultural income is delivered.

Provided that the need for borrowing was genuine having due regard to the assets of the assessee at the time :

Provided further that the interest allowed under this clause shall be limited to six per cent on an amount euqivalent to twenty-five per cent of the agricultural income from the plantation in that year ;'

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" Now, as I said whereas in the Income-tax Act and in the Travancore-Cochin Act, five separate items of interest have been taken into account, in this Bill only one item is included and that, with two provisions. The first proviso limits the interest to six per cent. Supposing, by agreement, a person pays 8 or 9 or 10 per cent. Then is it proper, just and equitable to confine the rate of interest to six per cent?

" Then again the six per cent allowed is on the amount equivalent to 25 per cent of the agricultural income from the plantation. So while you allow only six per cent, you fix also the maximum limit that could be allowed on account of interest. The relief granted is illusory.

" I shall proceed now to the five items which are allowed in the Income-tax Act and the Travancore-Cochin Act and which are left out in the present Bill. Government owes an explanation as to why and under what circumstances these deductions are not allowed in the Bill.

" The first is, ' any interest paid in the previous year on any amount borrowed and actually spent ', that is, any capital expenditure incurred for the benefit of the land from which agricultural income is derived. I may draw attention to the fact that under the Plantation Act of 1951 which has come into operation from 1st April 1954, certain compulsory items of expenditure have to be met such as expenditure on buildings, hospitals, educational institutions and the like. Now, supposing a person incurs debts on account of capital expenditure and pays interest on these debts is not that to be deducted when we compute the income for income-tax purposes? That is my submission. This deduction is found under section 5 (*e*) of the Travancore-Cochin Act and this is also included in the Income-tax Act. Please see sections 9 and 10. I should like to know on what grounds this particular item is omitted in the present Bill.

" Secondly, where the land from which agricultural income is derived is subject to a mortgage or capital charge, any interest paid in the previous year in respect of the mortgage or capital charge is deducted. Supposing, a man became indebted years back and the property is mortgaged; he has taken a loan and interest is paid on that loan. Is it not equitable that interest paid on the mortgage should be deducted when we arrive at the net income for computation of agricultural income-tax? The scheme of the forest Act, allows interest on items borrowed only for current expenditure, what about the expenditure incurred in the past? What about the interest payable on existing mortgages? I am referring only to genuine mortgages. It may be said that people have recourse to bogus mortgages. But, what about mortgages executed long before the Income-tax Bill is introduced? If the mortgages are not genuine, there is adequate machinery in the Act to prevent fraudulent deductions.

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" The third point is, any interest paid in the previous year on any debt incurred for acquiring land is deducted. Supposing land is acquired with borrowed capital, should not that unpaid purchase money be taken into account and interest on the debt deducted?

" Fourthly, any sum paid in the previous year as interest on agricultural loans taken and expended on land has to be deducted. This is found in the Travancore-Cochin Act and also in the Income-tax Act. I say the principles that are followed in the Income-tax Act have to be followed in this Bill also.

" Lastly, any interest paid on any amount actually spent for reclaiming, improving and cultivating the land from which income is derived should be deducted. This is found in section 5 (1) of the Travancore-Cochin Act and this principle is found in sections 9 and 10 of the Income-tax Act.

" Under these circumstances my simple submission is that allowances and deductions which are usually allowed under the Income-tax Act and which are taken into account and deducted for the purposes of computation of income in the Travancore-Cochin Act also should be taken into account here and should be deducted. The second point I raised in my minute of dissent is that pending the report of the Taxation Enquiry Committee and pending the receipt of the findings of the Expert Committee which has been constituted by the Central Government to go into the whole question of Plantation Industry the proper thing to do would be to assess the income on a sliding scale on an acreage basis and I have suggested the scale. In the evidence adduced before the Select Committee it was stated that Rs. 5 per acre for tea, Rs. 3 per acre for rubber and Rs. 2 per acre for coffee would be a proper surcharge. The point was pressed by me at the meetings of the Select Committee. But somehow or other the prevailing impression in the Select Committee was that the plantation industry was making a colossal profits. Now, I am going to place before you a few facts from which you will understand the real position.

" After all, tea, rubber or coffee industry is not making the big profit which we imagine they do. Let me take the tea industry. It depends upon a foreign market. When a particular industry depends upon a foreign market, naturally, the prices must fluctuate. Some of us might remember that this industry suffered an unexpected crisis in 1952 from the effects of which it is still suffering. It is doing a little better just now and is earning an income. But taking the all-in-all position, the industry has suffered to a large extent.

" The second is rubber. Rubber industry is having a difficult existence and has no competitive position. Some years ago, after a costing survey, the Government were forced to give a tariff protection for this industry. The very fact that the Government were forced to grant tariff protection would mean that this industry cannot stand on its own legs. Any tax at the level mentioned certainly will destroy this industry.

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" Coming to coffee, coffee is entering an agricultural crop. It takes about six or seven years for the plants to yield. A sum of Rs. 2,500 to Rs. 3,500 has to be spent by then. The annual yield is dependent upon the vagories of monsoon. Right up to 1940, the industry was in a state of chronic depressions. The formation of the coffee board and the coffee pool saved the industry from an utter collapse.

" The Ministry of Industries and Commerce, Government of India, took upon itself the initiative in directing the marketing operations of the Indian Coffee Board at about the end of 1951. The result was that a large quantity of coffee, which could have been sold in foreign market—and the money would have gone into the pockets of the planters and remained in India—accumulated and deteriorated in quality. Coffee growing industry is one of the most highly taxed agricultural industries. I will give a brief account of how the industry is being taxed to-day. An excise duty is being levied on coffee. Till 1944 there was no excise duty. Over and above that, there is the customs duty. Then, on the first sales by the Indian Coffee Board, sales tax is being levied. The Government of India are levying an export duty of Rs. 62–8–0 per cwt. of coffee exported. This apart, the Government of India are considering a proposal for imposing central income-tax on a portion of the income from coffee on the simple ground that the processing of coffee is not an agricultural operation but involves the process of manufacturing. The Minimum Wages Act has increased the cost of labour to a considerable extent. The Plantation Act of 1951, which came into force from 1st April 1954, imposes a very heavy expenditure necessarily for the construction of hospitals and the provision of medical, educational and other amenities for plantation labour. According to the estimate of the Chairman of the Indian Planters' Association of Jalpaiguri, the new legislation will cost an estate of 270 acres by way of capital expenditure as follows :— 3-50 p.m.

	RS.	A.	P.
Total expenditure	4,44,070	0	0
Expenditure per acre under tea	1,644	11	3
Expenditure per worker	1,480	3	3
Expenditure per pound of tea	2	12	0

The implementation of the provisions relating to lay off of labour in the Industrial Disputes Act adds to the expenditure. My submission is that the industry can expand only if it has enough surplus funds at its disposal after meeting the production expenses and taxes. Even justifiable borrowing and the interest paid on the debts are not admitted. Even granting that an ordinary planter earns a little profit, he will not have the necessary wherewithal for bigger schemes of expansion and replantation. Expansion of the coffee acreage has suffered very badly in 1952. The main reason for the slowing down of expansion or replantation is finance for we have ample land and ample labour, particularly so with the possible ejectment of large numbers of experienced workers from Ceylon.

If the industry is expanded and developed, it can absorb nearly three lakhs of labourers. Having regard to the fact that this industry is doing considerable good to the country by providing employment for a big complement of labour, levying of any more taxes on it will deprive the planters of the little profit which they could profitably use for expanding and replanting the estate.

"The Government of India have appointed an expert committee to go into the conditions of the plantation industries, especially the cost of production. This committee is touring the different parts of India and only after its report is made public, we will be in a position to know what exactly is the income which these industries are making and what exactly is the cost of production. In my minute of dissent, I have suggested that, pending the report of this committee and the report of the Taxation Enquiry Commission, the levy of a tax on a sliding scale on an acreage basis will be more equitable. Accepting the rates suggested by some of the witnesses in the course of their evidence, I have suggested a flat surcharge at the rate of five rupees per acre in respect of tea and three rupees per acre in respect of coffee and rubber and alternatively a maximum tax of four annas in the rupee for tea, three annas for rubber, two annas for coffee and something still less for cardamom.

"Unfortunately the Hon. Minister for Revenue is not present to hear me. However I hope that a note will be made of the several points raised by me and that they will be taken into consideration when the matter comes up for further discussion later on."

* SRI M. NARAYANA KURUP :—" Mr. Deputy Speaker, Sir, I have very little to say by way of general remarks in considering the Select Committee Report, and more so because in this case there is a reversal of the functions of the members of the Opposition and the members on the Government side. The Hon. Minister will be called upon to answer mostly the arguments from his own side rather than from our side. The few points that I wanted to say, I have submitted in the form of amendments and I will explain them when they come up for consideration. Of the many Bills that have gone before a Select Committee in recent times, this is the one Bill that has come out with material changes from the original Bill. May be that it is due to the nature of the Opposition which comes mainly from the Government side. It shows one thing that, at least when pressed by their own partymen, the Government are prepared to make concessions, which, I hope, in the near future will be applied to the demands from the Opposition also.

"We are now experimenting with a new kind of tax. True, we did raise the point that, instead of a tax being levied on land, there must be a graded agricultural income-tax applicable to all lands. Our plea was met by the Government by saying that it would be harassing the agriculturist. who were illiterate and unaccustomed to keeping accounts, if they were asked to submit

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regular periodical accounts and that, as a first measure in the direction of imposing agricultural income-tax, they were trying the experiment with plantations.

"So far so good. We must recognize, as it has often been said, that we cannot undertake development works and planning without sufficient capital resources but the level of taxation in our country is much less than what it is in other countries. If I recollect aright, only 6 per cent of our total national income is realised by the Government, both at the Centre and in the States, by way of taxation whereas in certain other highly developed countries 30 to $33\frac{1}{3}$ per cent of the national income is realised by the Government by way of taxation. It may well be asked why we also should not raise the level of taxation to that degree. But, of course, any student of economics must know that to ask a man earning Rs. 100 to pay Rs. 10 by way of taxation is not the same as asking a man earning Rs. 1,000 to pay Rs. 100 by way of taxation. In technical language the marginal utility of Rs. 10 of an individual who earns Rs. 100 is much more than that of Rs. 100 of a person earning Rs. 1,000. Therefore, when we demand that the level of taxation must be higher, we must bear this important point also in mind. Considering that our national income and standard of living are very low, to ask the Government to raise the level of taxation to the highest point at the initial stage, I would submit, is a wrong policy, and in that light, in future if the Government find that the planters are still making huge profits, they may come forward with a proposal to impose a super-tax on them. I think it was well-advised on the part of the Government that they dropped the imposition of super-tax at the beginning. 4 p.m.

"Then arguments have been advanced on the floor of the House that we ought to have made a discrimination against foreign capital as compared with Indian or native capital. Opinions may differ. However, we are working under a Constitution and so long as we are working within the four corners of that Constitution, I believe we cannot discriminate between one kind of capital and another. Again, I was surprised to hear that this argument was put forth on the principle of Socialism. A real Socialist cannot countenance the theory of Capitalism, whether it be native Capitalism or foreign Capitalism. Sir, the proverb is well-known, namely, you may prick your eye with a golden needle or a steel needle, but the effect is the same. Therefore, if we want Socialism, we must eschew Capitalism. That is the only thing which we can do and in fighting Capitalism—we know that Capitalists all over the world are alive if we say that we should fight foreign Capitalism, we are fighting only on a front of the same battle or a battle in the same war. Therefore, it is a fallacious argument in the eye of a Socialist, however justifiable it may otherwise be.

"On one point I wish to lay some emphasis, that is, with respect to the exemption level granted to joint families. Whether we like the joint family system or not, so long as it continues, some provision must be made for the protection of joint families.

In Malabar we have joint families whose number runs into hundreds though it may not be so in other parts of the State. However, in other parts of the State too there will be a sufficient number. Therefore, while we grant certain concessions and so long as we recognize the system of joint family holding, the exemption level allowed to joint families should be raised, at least to Rs. 10,000 subject to the condition that the individual exemption level may be as fixed in the Bill itself.

" If I remember aright, when the Bill came before the Assembly at the stage of reference to the Select Committee, a point was made that there was not sufficient provision in the Bill to benefit labourers. The hon. Member Sri L. C. Pais referred to the Plantations Act of 1951. It is good that provision to meet the obligation under that Act should be made in the amended Bill. The question is whether the planters would grant the concession to the workers. But that depends on their ability or collective bargaining and other factors. The one fact is that they cannot excuse granting them benefits simply because no provision has been made in this Bill. This is all that I have to say at this stage."

* SRI V. K. RAMASWAMY MUDALIAR :—" Mr. Deputy Speaker, in the beginning I was not inclined to speak but when the hon. Member Sri Gopalan and others chose to cast some aspersions on our Party, I thought I should say a few words on this Bill. We on this side are not at all afraid of taxing the rich. On the other hand, we go ahead with so many taxation measures. We have introduced many taxes after we assumed office. Still we go on thinking of taxation measures. If we were really afraid of the Capitalists, we would not have thought of the agricultural incometax on plantations. But there is a limit to taxation. We cannot kill the goose that lays the golden eggs. Profit motive is there in every industry and unless we encourage the Capitalist side by side with other things, no industry can thrive. As a matter of fact, I have seen some of the plantations on the hills. More than 60 or 70 per cent of middlemen have taken shares in those plantations. This goes a long way in helping only those middle-class investors. Again, many of these planters have provided to the workers all sorts of amenities like housing and hospital facilities. Above all these things, there is the Labour Act. Whatever it is, if we all on a sudden resort to heavy taxation and if we think of collecting 10 or 12 annas in the rupee as tax, it will surely cripple the industry. So, our object is to start this taxation from a low level. But still, as far as this tax is concerned, I cannot say it is on a very low level. We have now thought of imposing nearly 33-1/3 per cent levy on these plantations. Then, there is the downward trend of prices which has got to be taken note of. There is sometimes an upward
4–10 p.m. trend in prices. But now we find a depression in almost all the industries, and much more so in the agricultural industry. I need not say much about it. The hon. Member Sri Pias said that we have got so many other taxes like the export duty, customs duty, sales tax and so many other taxes and in addition to this we are

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thinking about this agricultural income-tax, and this is only a thin end of the wedge. I say as the industry thrives I am sure we will think of higher levels of taxation. Even if the present level continues, I am sure as and when the industry gets more income we will get more by way of taxes. That is the principle underlying the Bill, Sir.

"We have also adopted the Socialistic pattern of society. Our Communist friends need not think and say they alone support such a pattern of society. We have also incurred the displeasure of so many Capitalists by thinking about all sorts of taxation. We are doing our best to collect as much money as possible from the Capitalists and at the same time we want to provide work for so many unemployed people. If you think of more taxation it would mean all these industries will go and it will result in many of the people going without any employment. So, I am only reiterating that what we have fixed in this Bill is a very reasonable level. With these words I support the measure, Sir."

SRI N. SIVARAJ :—"கனம் உதவி சபாநாயகர் அவர்களே, இன்றையதினம் விவாதத்திலிருக்கும் விஷயம், அதாவது தேயிலை, காபி, ரப்பர் முதலியவைகளுக்கு தோட்ட விவசாய வருமான வரி போடப்பட்டிருக்கும் இந்த மசோதாவானது எல்லோராலும் வரவேற்கக்கூடியதாக இருக்கிறது. ஏனென்றால் இந்த சட்டசபை ஆரம்பித்த காலத்திலிருந்தே இந்த மாதிரியான விவசாய வருமான வரி போடவேண்டும் என்று எதிர்க் கட்சியில் சொல்லிக்கொண்டு வந்த விஷயம்தான். இந்த வரியைப் பார்க்கும் காலத்தில் நில வரி வெள்ளைக்கார ஆட்சி காலத்தில் அமைக்கப்பட்ட வரி, அது நியாயமான முறையிலும் விஞ்ஞான முறையிலும் அமைக்கப்படவில்லை என்று எல்லோரும் அறிவார்கள். இப்படிப்பட்ட விவசாயம் சம்பந்தமாக பெரிய தோட்ட முதலாளிகள் பெரிய தோட்டக்காரர்களும் ஏராளமாக கொள்ளையடித்துக்கொண்டு போகிறார்கள். அதனால் அவர்களுக்கு சரியானபடி வரி விதிக்க வேண்டும் என்று கிளர்ச்சி செய்தோம். அதன் பின் அந்தக் கிளர்ச்சியின் காரணமாக சர்க்கார் இப்படிப்பட்ட மசோதாவைக் கொண்டு வந்ததைப் பற்றி மிகவும் வரவேற்கவேண்டியதுதான். ஆனால், இந்த வரி விஷயத்தைப் பற்றி ஒன்றும் வருத்தப்படவேண்டியதில்லை.

"பெரிய அளவில் சொந்தமாக தோட்டங்களை வைத்துக்கொண்டிருப்பவர்கள் வெள்ளைக்காரர்கள்தான். இந்த தோட்டங்களிலிருந்து அவர்கள் ஏராளமாக வருமானம் அடைந்து அதிலிருந்து வரக்கூடிய லாபத்தையெல்லாம் கொள்ளையடித்துக்கொண்டு போகிறார்கள். அப்படி லாபம் அடையும் பணத்தை வெளி நாட்டிற்குக் கொண்டு போகிறார்களே தவிர உள் நாட்டின் அபிவிருத்திக்கு எந்த விதமான காரியங்களையும் அவர்கள் செய்யவில்லை. அப்படிச் செய்வதாகவும் தெரியவில்லை. மற்றும் அவர்கள் பல வரியிலிருந்தும் தப்பித்துக்கொண்டிருக்கிறார்கள். இந்த சந்தர்ப்பத்தில் எந்த விகிதாசாரத்தில் அவர்களுக்கு வரி விதிக்கவேண்டும் என்று சொல்லப்படுகிறதோ அந்த அளவில் இதை நாங்கள் வரவேற்கிறோம்.

"இந்த சந்தர்ப்பத்தில் எதிர்க்கட்சி உப தலைவர் ஸ்ரீ எம். கலியாண சுந்தரம் அவர்கள் பல டிசென்ட்டிங் மினிட்ஸ் கொடுத்திருக்கிறார். அதாவது வரி விதிக்கும் காலத்தில் பெரிய தோட்டக்காரர்கள் அந்த வரியைக் கொடுக்கும் காலத்தில் அவர்கள் வரியைக் கொடுக்காமல் தப்பித்துக் கொள்ள பல முயற்சிகளைச் செய்யக்கூடும் என்றும் சொல்லியிருக்கிறார். இப்பொழுது தேயிலை விலையைப் பார்த்தால் அது அதிகமாக உயர்ந்திருக்கிறது. மதுவிலக்கு அமுலுக்கு வந்ததினால் கிராமங்களில் பதனீர்

[Sri N. Sivaraj] [15th February 1955

வருஷ காலமாக தேயிலைக் கடைகள் ஏற்பட்டு கிராமவாசிகள் தேயிலைத் தண்ணீர் சாப்பிடும் வழக்கம் அதிகமாகி இருக்கிறது. அதனால் தேயிலையின் விலை மார்க்கெட்டில் அதிகமாக உயர்ந்திருக்கிறது. அதற்கு விலையை நிர்ணயம் செய்யாமலிருப்பதால் அப்படி விலை உயர்ந்திருக்கிறது. அதற்குத்தான் இந்த மாதிரியான வரி போடப்பட்டிருக்கிறது. கிராமங்களில் தேயிலை அதிகப்படியாக செலாவணியாவதால்தான் நாங்கள் விலையை உயர்த்தியிருக்கிறோம் என்று அவர்கள் சொல்லுகிறார்கள். இப்படி வரி போடுவதினால் பெரும்பாலும் ஜனங்களுக்கு பாதகம் ஏற்படாமல் பார்த்துக்கொள்ளவேண்டும். வரியை இப்பொழுது நாம் விதிக்கப்போவதால் அவர்கள் தேயிலையின் விலையை உயர்த்தக்கூடியதாக ஏற்படும். அப்படி அவர்கள் முயற்சி செய்ய விடக்கூடாது. இதையெல்லாம் ஜாக்ரதையாக சர்க்கார் கவனித்து அதற்குத் தக்க பரிகாரம் தேடவேண்டும் என்றும் கேட்டுக்கொள்ளுகிறேன்.

"இந்த வரியை விதிப்பது பற்றி எதிர்க்கட்சி உதவி தலைவர் தன்னுடைய டிச்சென்ட்டிங் மினிட்டில் பல விஷயங்களை குறிப்பிட்டிருக்கிறார். அதாவது சிறு நிலங்களை வைத்துக்கொண்டிருப்பவர்களுக்கு பாதுகாப்பு அளிக்கவேண்டும் என்றும் அதுவும் முக்கியமான விஷயம் என்றும் குறிப்பிட்டிருக்கிறார். தேயிலை தோட்டத்தை வைத்துக்கொண்டிருப்பவர்களுக்கு விதி விலக்கு அளிக்கப்பட்டிருக்கிறது. அதாவது தேயிலை தோட்டக்காரர்கள் ஐந்து ஏக்கர் வைத்துக்கொண்டிருந்தால் அவர்களுக்கு இந்த மசோதாவின் மூலம் விதிவிலக்கு அளிக்கப்பட்டிருக்கிறது. அது போதாது. பத்து அல்லது பதினைந்து ஏக்கர் வரையிலும் வைத்திருக்கக்கூடிய அவர்களுக்கு இந்த விதிவிலக்கு கொடுக்கப்படவேண்டும். இது நியாயமான விஷயம். அதைப்போலவே காபி ரப்பர், முதலியவைகளை பயிரிடும் தோட்டக்காரர்களுக்கு பதினைந்து ஏக்கர் வரையில் வைத்துக்கொண்டிருந்தால் அவர்களுக்கு விதிவிலக்கு அளிக்கப்பட்டிருக்கிறது. அப்படி 15 ஏக்கர் என்று நிர்ணயிப்பது போதாது. அதை 30 ஏக்கர் வரையில் என்று நிர்ணயம் செய்யவேண்டும்.

"அடுத்தபடியாக வரி முறையைப் பொருத்தமட்டில் கிட்டத்தட்ட ரூ. 25,000க்கு மேல் வரக்கூடியவர்களுக்கு ஒரேயடியாக 5½ அணாவாக வரி விதிக்கப்படவேண்டுமென்ற விதி செய்யப்பட்டிருக்கிறது. அதிகப்படியாக லாபம் சம்பாதிக்கக்கூடியவர்கள் இன்னும் ஏன் அதிகமாகக் கொடுக்கக்கூடாது. அதனால்தான் 5½ அணாவிலிருந்து 10 அணாவாக உயர்த்தவேண்டும் என்றும் அதுவும் பத்து லட்சத்திற்குமேல் வருமானம் வரக்கூடியவர்களுக்கு ரூபாய்க்கு 10 அணா என்று வரி விதிக்கவேண்டும் என்றும் குறிப்பிட்டிருக்கிறோம். இவைகளையெல்லாம் இந்த சட்டத்தை சட்டமாக்குவதற்கு முன் எடுத்துக்கொண்டு பரிசீலனை செய்யவேண்டும். ஆகவே இந்த வரிக் கொள்கையை நாங்கள் வரவேற்கிறோம். இது பணக்காரர்களுக்கு விதிக்கக்கூடிய வரியாக இருந்தாலும் சில திருத்தங்களைச் செய்து நல்ல முறையில் இதை நிறைவேற்றினால் அதிகப்படியான அளவிற்கு சர்க்காருக்கு வருமானம் கிடைக்கும் என்று நான் சொல்லிக்கொண்டு இந்த முறையில் இந்த மசோதாவை நான் வரவேற்கிறேன்."

* **Sri T. ANANTA PAI** :—" Mr. Deputy Speaker, Sir, I fully endorse the principle of this measure of taxation. Last year when this Bill was introduced, it was introduced just as one of the taxation measures intended to cover the deficit. In introducing this measure the Hon. the Finance Minister said that the Government might possibly collect 10 or 12 lakhs of rupees. I am afraid he has underestimated the income from this measure of taxation. According to my computation, the income would not be anything less than a crore of rupees annually.

" Sir, I do not mind taxes being collected because after all if all our welfare activities have got to be financed they have got to be done in some way or the other. And the measures of taxation

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left with the States are after all very few and this is one of them. It is not because the plantations have been making plenty of money, it is not because there is so much profit made by the industry that it deserves to be taxed, it is not on that principle that taxation is to be levied. The money has got to be collected somehow from one sector or the other and we have to see that the sacrifice made by each sector is uniform. Huge profits made might be marked out for taxation. That might be one of the sources to get the money needed by the Government. Still other business concerns which may not be making as much profits must make some sacrifice in order to meet the national emergency. But what I do not like at the same time is to have a tirade against those who are made to pay the tax. Taxing is one thing and abusing is another. I do not know why we should think that those who were responsible for business in this country, those who were responsible for starting industries in this country, those who were responsible for undertaking lot of risks and bringing into existence so many assets in our country, should be classified as traitors and exploiters, as people less patriotic than others. These assumptions are entirely wrong. If you want to tax them a little more than what is proposed, there is no harm in proposing a higher rate if the House would support it. It may be quite all right. But at the same time to give the dog a bad name and to hang it is not proper. We have not banned foreign capital from coming into our country. Wherever we have found it necessary we have welcomed it.

" Sir, if we accept the principle that so long as capital comes to this country for the development of economic activities without any political strings attached thereto and so long as it is our national policy to welcome it, there is no point in allowing that capital to come in and criticising it. Even in a country like Russia which had depended on foreign capital for its development, it had always been careful to keep up to its commitments to discharge their debts with interest. Otherwise the credit would go and it would not be possible to depend upon foreign countries for credit facilities. Therefore, from that point of view the persons who always and continuously slander and carry on a campaign of trade against foreign capital or against private enterprise have got to consider this position. If we want foreign capital to come to this country under certain restrictions, by all means impose those restrictions. But having allowed it to come to this country, we cannot impose more restrictions or abuse it. So, it cannot be said either that anybody who is interested in the development of this country with foreign capital is less patriotic than those who speak against foreign capital. 4-20 p.m.

" Sir, this measure of taxation which might have been introduced as a temporary measure is, we now find, going to be a permanent one. It was introduced to cover the deficit in the budget of last year. But so far as this State is concerned, it is going to be a permanent source of revenue. In computing the tax on income, it is necessary to know what constitutes ' income '. Of course, nobody

can suggest that the interests of plantation workers should not be taken into consideration in this respect. Their conditions of work have got to be improved. They have got to be provided with all amenities. But that has nothing to do with this measure of taxation. It is absolutely necessary that more and more amenities should be provided for workers but it should be remembered that the longer these expenses are, less will be the income. If the total profits are going to be reduced as a result of these amenities being provided for, neither the State nor for that matter anybody should feel sorry about it. I do not think that it is reasonable for anybody to complain that as a result of providing more amenities to the employees, the profits will go down. Somehow or other the days of high profits have to go. There is no question about it. The money has to come in one way or the other and it is necessary that the standard of living of the people has got to be raised as quickly as possible. Thert is no dispute about that. So. under these circumstances provision of amenities has nothing to do with the Bill before the House. At the same time certain reasonable items of expenditure have got to be taken into consideration in computing the income. In my last speech on this Bill, I wanted that a certain amount of depreciation has got to be allowed for the re-planting of plants taking the life of the plants to be so many years and making provisions for that. If that is allowed, I am sure, the plantation industry will find it possible to plough back as much money as possible and the efficiency of the industry also can be maintained. I am glad that the Government have made provisions in this Bill for that purpose. Sir, the plants were planted long, long ago. Probably a little capital would have been enough at that time to have big plantations but to-day it would not be possible to have the estates built up in the same way as in the olden days. We can do it now only with borrowed capital. Whether under Socialism or Capitalism, we cannot progress without raising loans. When that capital is raised by way of loans it must carry interest. Whether it carries a higher rate of interest or lower rate of interest, is a different matter altogether. Even in computing the excess profits tax or the business profits tax, provision was made for borrowed capital if it was genuine and no benami transactions were entered into. Therefore all such interest on borrowings should be allowed. I do hope that, as far as possible, the incidence of taxation will be justly distributed over all the plantations. Thank you, Sir.''

* SRI P. RANGASWAMI REDDIAR :—Mr. Deputy Speaker Sir, I think, this is a wise move on the part of the Government to have introduced this Bill. In the neighbouring State of Travancore-Cochin, income of agricultural plantations has been subject to the tax for a long time. The tax proposed in the Bill is, after all, not very drastic. Soon after the war broke out in 1939, many companies were floated for tea, coffee and other plantations and those companies have earned not less than 70 per cent profit in the course of seven or eight years. Of course, much has been said about expenditure and it should also be taken into

15th February 1955] [Sri P. Rangaswami Reddiar]

consideration in levying the tax. After deducting all the expenditure incidental to the running of the plantation industry from the gross income, no company has incurred any loss all these years. If one carefully goes through the fluctuation of shares in the market, one will find that the shares of the plantations alone are subject to great fluctuation. The shares of certain companies especially rubber companies have shot up by three times or even four times the paid up value. If a person carefully analyses the facts and figures relating to the initial capital, turnover, net income and interest, he will be convinced that, after all, the proposed tax is not very much and it would not work as a great hardship on them. But the exemption limit may be raised in the case of small planters and small companies. They should be exempted from this tax. On the higher level the proposed tax is not even in conformity or in proportion to the enormous amount earned by these companies and nobody need feel sorry either for the plantation companies or for those who hold shares in these companies. One of the leading planters in the South, in his evidence, suggested that the tax may be fixed by levying a flat rate per acre. By this method, the Government also would get a decent portion from the annual net income of these companies. In case any company incurs any loss in any year, they need not pay the tax. Only when they earn huge profits, they will be made to pay a decent portion of the net income. I hope this point will be taken into consideration and if necessary an amendment may be brought forward to the Bill so that the companies can be made to pay a heavy tax just as the income-tax payers and other tax payers do. Then only they will not evade payment of a decent portion of their income to the State.''

*Sri P. G. MANICKAM :—" மதிப்பிற்குரிய உப சபாநாயகர் அவர்களே, இந்தத் தோட்ட வருமான வரி மசோதாவை நான் ஆதரித்து ஒரு சில வார்த்தைகள் சொல்ல விரும்புகிறேன். 4-27 p.m.

" அனேகமாக தேயிலை, ரப்பர், காப்பி போன்ற தோட்டங்களின் சொந்தக்காரர்கள் அயல் நாட்டார்கள்தான் என்பதை சபையினருக்கு ஞாபகப்படுத்த விரும்புகிறேன். இருநூறு வருஷங்களுக்கு முன்பாக அவர்கள் இந்த தேசத்தில் அரசாட்சி செய்யும் நோக்கத்தோடு வந்தவர்கள். அதே சமயத்தில் அவர்கள் வியாபாரம் செய்யவும் ஆரம்பித்தார்கள் ; இந்த மலைத் தோட்டங்களில் விவசாயம் செய்யவும் ஆரம்பித்தார்கள். அவர்கள் தங்களது சொந்த நாட்டுப் பூமியில் விவசாயம் செய்யவில்லை. இந்திய நாட்டு பூமிகளிலே தான் விவசாயம் செய்துகொண்டு வருகிறார்கள் என்பதை நாம் ஞாபகத்தில் வைத்துக்கொள்ளவேண்டும். இந்த நாட்டிலே மலைப் பிரதேசங்களில் எங்கெல்லாம் விவசாயம் செய்வதற்கு வசதி இருந்ததோ அங்கெல்லாம் விவசாயம் செய்ய ஆரம்பித்து விட்டார்கள். அவர்கள் போட்ட மூலதனம் மிகக் குறைவுதான். இருந்தாலும் அவர்கள் அந்தத் தோட்டப் பயிர்களிலே கோடானுக்கோடி ரூபாய்கள் லாபம் சம்பாதித்துவிட்டார்கள். கோடானுகோடி ரூபாய் அவர்களுக்கு லாபம் கிடைத்திருக்கிறது என்றால் அவ்வளவு லாபம் அவர்களுக்கு வரும்படியாக உழைத்தது யார் ? உழைத்தது எல்லாம் நம் நாட்டு விவசாயக் கூலிகள் தான். அவர்களிடத்திலே வேலைக்கு அமர்ந்த இந்தியர்கள் தான் பாடுபட்டு உழைத்து, தங்கள் ரத்தத்தைச் சிந்தி அவர்களுக்குக் கோடானுகோடி ரூபாய் லாபம் வரும்படியாக கஷ்டப்பட்டிருக்கிறார்கள். இந்தியர்களிலும் குறிப்பாக ஹரிஜனங்கள்தான் தங்கள் ரத்தத்தைச் சிந்தி மலையையும், காட்டையும் வெட்டி கொத்தி விவசாயப் பூமிகளாகச் செய்திருக்

கிறார்கள் என்று சொன்னால் அது மிகையாகாது. காடாகக் கிடந்த பூமிகளையெல்லாம் தோட்டங்களாகச் செய்ய அந்த ஹரிஜனங்கள் தங்களை உயிரையே விட்டிருக்கிறார்கள் என்றுகூடச் சொல்லலாம். அவர்களுக்கு அந்தத் தோட்ட முதலாளிகள் ஏதாவது நன்மை செய்திருக்கிறார்களா என்றால் கொஞ்சம்கூட இல்லை. ஹரிஜனங்களின் ரத்தத்தை உறிஞ்சினார்களே தவிர அவர்களுக்கு எவ்வித நன்மையும் செய்யவில்லையென்பதைத் தெரிவித்துக்கொள்ள விரும்புகிறேன். கொஞ்ச காலத்திற்கு முன்பாகத்தான் வீட்டு வசதி, பள்ளிக்கூட வசதி போன்றவைகளை சர்க்காருடைய பலவந்தத்தின்பேரில் செய்துகொண்டிருக்கிறார்கள். முன்பு ஏதோ ஆஸ்பத்திரிகள் வைத்திருந்தார்கள். அதுவும் அந்த ஆஸ்பத்திரிகள் எதற்காக ? தொழிலாளிகள் சீக்காககப்படுத்துவிட்டால் வேலைக்கு வராவிட்டால் என்ன செய்வது என்பதற்காகத்தானே ஒழிய தொழிலாளர்களுடைய ஆரோக்கியத்தில் அக்கறைக்கொண்டு அவற்றை ஏற்படுத்தவில்லை. .அந்தத் தோட்டங்களிலிருந்து கிடைத்து வந்த வருமானம் பூராவையும் அவர்கள் அயல் நாட்டுக்கே அனுப்பிக்கொண்டிருந்தார்களே தவிர இந்த நாட்டிலேயுள்ள மக்களுக்காக, அதுவும் குறிப்பாக அவர்களது தோட்டத்திலேயே வேலை செய்துகொண்டிருந்த ஹரிஜன தொழிலாளர்களின் நலனுக்காகச் சிறிதளவுகூடச் செலவு செய்ததே கிடையாது.

"இப்பொழுது இந்த வரி கொண்டுவருவதன் மூலமாக வெளிநாட்டுக்குப்போய்க்கொண்டிருக்கும் பணத்தைச் சிறிதளவு கட்டுப்படுத்த முடியும் என்று நினைக்கிறேன். மேலும் இந்த வரியின் மூலமாக வரக்கூடிய பணத்தை சர்க்கார் நல்ல வழியில் செலவழிக்கவேண்டுமென்றால் நிச்சயமாக அதிலிருந்து கிடைக்கும் வரிப்பணம் பூராவையும் ஹரிஜனங்களின் நலனுக்கே செலவழித்தாகவேண்டும். அதோடு அதை வெறும் பணமாக மாத்திரம் கருதக்கூடாது. அதை ஹரிஜன மக்களின் ரத்தமாகவே கருதி ஹரிஜனங்களுடைய நன்மைக்கே அந்தப் பணத்தை சர்க்கார் செலவழிப்பார்களேயானால் அது மிகவும் நல்லது, அதுதான் நியாயமான முறையும் ஆகுமென்று தெரிவித்துக்கொள்ளுகிறேன். ஏனென்றால் அந்தத் தோட்டங்கள் இன்று செழிப்படைந்திருக்கின்றன என்றால் அதற்கு ஹரிஜன மக்களே தங்களது உடல் ரத்தத்தைக் கொட்டி பாடுபட்டு அதை வளப்படுத்தியிருக்கிறார்கள் என்பதை யாரும் மறக்கக்கூடாது.

"தற்காலத்தில் நம் இந்தியாவில் எங்கு பார்த்தாலும் நிலச்சீர்த்திருத்தம்பற்றி பேசப்பட்டு வருகிறது. 'நிலம் உழுபவர்களுக்கே சொந்தம்,' என்று எங்கு பார்த்தாலும் கோஷம் எழுப்பப்படுகிறது. இதைத்தான் கம்யூனிஸ்டுகளும் சொல்லுகிறார்கள். இதைத்தான் சோஷலிஸ்டுகளும் சொல்லுகிறார்கள். இதைத்தான் காங்கிரஸ் கட்சியும் சொல்லிக்கொண்டு வருகிறது. அப்படி உழுபவர்களுக்கே நிலம் சொந்தம் என்று சர்க்கார் ஏதாவது சீர்திருத்தம் கொண்டு வருவார்களேயானால் அப்பொழுது இந்த மலைத் தோட்டங்களை எல்லாம் ஹரிஜன மக்களுக்கே கொடுத்துவிடவேண்டுமென்றும் கேட்டுக்கொள்கிறேன்.

"அதோடுகூட நமது அரசாங்கம் அந்தத் தோட்டங்களின் சொந்தக்காரர்களாக அயல் நாட்டார்களுக்கு ஒரு வேண்டுகோள் விடுத்தாலும் கூட நன்றாக இருக்குமென்று கருதுகிறேன். நானும் அந்த அந்நிய முதலாளிகளைக் கேட்டுக்கொள்ளுகிறேன். அவர்கள் இவ்வளவு காலம் இந்த நாட்டின் செல்வத்தை, ஹரிஜன மக்களின் உழைப்பைக்கொண்டு கோடிக்கணக்கில் சுரண்டிச் சென்றது போதும். அவர்கள் போட்ட முதலுக்கு மேல் ஏராளமான லாபம் அதிலிருந்து அவர்களுக்குக் கிடைத்துவிட்டது. ஆகவே இனிமேலாவது அந்தப் பூமிகளை இந்தியர்களுக்கே கொடுத்துவிட்டு அவர்களை வெளியேறும்படி நான் கேட்டுக்கொள்ளுகிறேன். இதில் அவர்களுக்கு நஷ்டம் ஒன்றுமில்லை. இப்படிச் செய்தால் அவர்களது தாராள மனப்பான்மை என்றென்றும் இந்த நாட்டில் இருக்கும். அவர்கள் இதுவரை ஹரிஜன மக்களுக்கு இழைத்து வந்த அநீதிக்கும் சரியான நியாயம் செய்துவிட்டதாக ஆகும் என்று சொல்லிக்கொள்ள விரும்புகிறேன். அவர்கள் ஸ்ரீ விநோபாவின் பூதான யக்ஞத்திற்கு அந்தத் தோட்டங்களை நன்கொடையாக அளிப்பார்களேயானால் அதுவும் கூட ரொம்ப நன்றாக இருக்கும். இது விஷயமாக ஸ்ரீ விநோபா அவர்களே

அந்தப் பிரதேசங்களுக்கு சுற்றுப் பிரயாணம் செய்து இந்த வேண்டு கோளை விடுக்கவேண்டுமென்று நான் சொல்லிக்கொள்ள விரும்புகிறேன்.

" இதற்கு மேல் அதிகம் பேச நான் விரும்பவில்லை. இப்பொழுது கொண்டுவரப்பட்டிருக்கும் வரியானது ரொம்பவும் நியாயமானது. மலைத் தோட்டங்களுக்கு வருமான வரி போடுகிறார்களே என்று யாரும் வருத்தப் படவேண்டியதில்லை. இன்னும் கொஞ்சம் அதிக வரி போட்டாலும்கூட அதை அந்த மலைத்தோட்ட முதலாளிகளால் கொடுக்க முடியும். அதனால் சர்க்காருக்கும் அதிக வருமானம் வரும். அங்கே உழைப்பவர்கள் எல்லாம் நம் இந்தியர்கள்தான். இந்திய மண்ணில், இந்தியர்களின் உழைப்பினால் அவர்களுக்கு லாபம் வருகின்றது. ஆகவே தங்களுக்குக் கிடைக்கும் லாபத் தில் ஒரு பகுதியை அவர்கள் சர்க்காருக்குக் கொடுப்பது ரொம்பவும் நியாய மாகும். சர்க்காருக்கும் அங்குள்ள ஹரிஜனங்களின் நலனை உத்தேசித்து இந்த வரிப்பணத்தைச் செலவிடவேண்டுமென்றும் கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்."

*SRI K. T. RAJU :—" கனம் உதவி சபாநாயகர் அவர்களே, இந்த மசோதாவை கம்யூனிஸ்டுக் கட்சியைச் சேர்ந்த நாங்கள் ஆதரிப்பதற்கு மிகுந்த பெருமைப்படுகிறோம். காரணம் மூன்று வருஷங்களுக்கு முன்பாக நாங்கள் தேர்தலுக்கு நின்ற காலத்தில் மக்களிடையே 'எங்களுக்கு வோட்டுக் கொடுத்து எங்களைத் தேர்ந்தெடுத்து சட்டசபைக்கு அனுப்பினால் நாங்கள் மேற்குத் தொடர்ச்சி மலைப் பிரதேசங்களிலுள்ள ஏராளமான வெள்ளைக்கார முதலாளிகளின் காப்பி, தேயிலை, ரப்பர் தோட்டங்களுக்கு வரி போடுவதன் மூலம் நம் நாட்டு செல்வம் அதிகமாக வெளியில் போகாத வாறு நம் நாட்டு மக்களுக்கே பயன்படும்படியாகச் செய்கிறோம்' என்று உறுதி கொடுத்தோம். நாங்கள் சபை அங்கத்தினர்களாக வந்ததிலிருந்து இதே விஷயத்தைப் பற்றியும் சர்க்காருக்கு அடிக்கடி சொல்லிக்கொண்டு வந்திருக்கிறோம்." 4-32 p.m.

SRI R. V. SWAMINATHAN :—" நண்பர் ஸ்ரீ கே. டி. ராஜு அவர்கள் பேசும்போது அவர்கள்தான் இந்த மாதிரியாக வரி போடவேண்டு மென்று சொல்லிக்கொண்டு வந்திருப்பதாகச் சொன்னார்கள். கம்யூ னிஸ்டுக் கட்சி இந்த நாட்டில் தோன்றுவதற்கு முன்பிருந்தே, கனம் கே. டி. ராஜு பிறப்பதற்கு முன்பிருந்தே காங்கிரஸ்காரர்கள் இதைப்பற்றிச் சொல்லிக்கொண்டே வந்திருக்கிறார்கள் என்பதை அவருக்கு ஞாபகப் படுத்த விரும்புகிறேன்."

SRI K. T. RAJU :—" சொல்லிக்கொண்டே வந்தார்கள். ஆனால் இடையிலே அப்படிச் சொல்வதை விட்டுவிட்டார்கள் என்பதையும் கனம் ஸ்ரீ ஆர். வி. ஸ்வாமிநாதன் அவர்களுக்கு ஞாபகப்படுத்த விரும்பு கிறேன்."

SRI K. RAJARAM NAIDU :—" இன்றைக்கு அப்படிச் செய்கிற வர்களும் நாங்கள் தான்."

*SRI K. T. RAJU :—" இந்த மாதிரியாக வரி போடவேண்டு மென்று நாங்கள் வெளியிலும், இந்த சட்டசபைக்குள்ளும் பல வருஷங் களாகச் சொல்லிக்கொண்டு வந்திருக்கிறோம். ஆகவே சர்க்கார் இன் றைக்கு மலைத் தோட்டங்களுக்கு வருமான வரி போட ஒரு மசோதா கொண்டுவரும்பொழுது அந்த மசோதாவின் அடிப்படைக் கொள்கையை மனப்பூர்வமாக ஆதரிக்கிறோம். அந்த மசோதாவை ஆதரித்து ஸ்ரீ பி. ஜி. மாணிக்கம் அவர்கள் பேசியதும்கூட எங்கள் பிரசாரத்தின் எதிரொலிதான். அந்த அளவுக்கு நான் பெருமைப்படுகிறேன். ஸ்ரீ மாணிக்கம் மாத்திரம் அல்ல, ஏழை எளிய மக்கள் எல்லாம் இந்த வரிக் கொள்கையை மிகவும் ஆதரிப்பார்கள். காங்கிரஸ் கட்சியிலுள்ளவர்கள் எல்லோரும் ஸ்ரீ மாணிக்கம் போன்றவர்கள் அல்ல. ஆகவே உண்மை யாகவே கனம் மாணிக்கம் அவர்கள் பேசியவற்றை எல்லாம் நான் ஆதரிக்கிறேன்.

[Sri K. T. Raju] [15th February 1955

"குறிப்பாக இன்றைய தினம் நமது சென்னை ராஜ்யத்தில் மாத்திரம் ஏழு கோடி ராத்தல் தேயிலை விளைகிறது. இதிலே கிட்டத்தட்ட ஐந்து கோடி ராத்தல் வெளிநாட்டுக்கு ஏற்றுமதி செய்யப்பட்டு வருகின்றது. இந்த ஏழு கோடி ராத்தல் தேயிலை உற்பத்தி பண்ணுவதற்கு இந்த நாட்டில் உள்ள ஒரு லட்சத்து இருபத்தையாயிரம் தொழிலாளர்கள் உழைக்கவேண்டி இருக்கிறது. ஆனால் அவர்களுக்கு இதில் கிடைக்கும் லாபம் கோடிக் கணக்கான ரூபாய்களாகும். இந்தத் தேயிலைத் தோட்டங்கள் பெரும் பாலும் வெள்ளைக்காரர்களிடம்தான் இருக்கின்றன. இவற்றை வைத்துக் கொண்டு அவர்கள் இந்த நாட்டில் எவ்வளவு ஆதிக்கம் செலுத்திக் கொண்டு வருகிறார்கள் என்பதைச் சொல்ல முடியாது. ஏராளமான பணத்தை நம் நாட்டிலிருந்து அவர்கள் தங்களுடைய தேசத்திற்குச் சுரண்டிக்கொண்டு போகிறார்கள். இது ஒரு சாதாரணமான தொழில் அல்ல. போடக்கூடிய மூலதனமோ மிகக் குறைவு. ஆனால் கிடைக்கக் கூடிய லாபமோ கோடிக் கணக்கு. ஆனால் அங்கே வேலை செய்கின்ற தொழிலாளர்களுக்குப் போதுமான வசதியும் செய்து கொடுக்கப்படு வதில்லை. ஆகவே சர்க்கார் இவற்றுக்கு எல்லாம் இப்பொழுது வருமான வரி போடுவதை ஆதரிக்கிறேன். அதே சமயத்தில் சர்க்கார் போட உத் தேசித்திருக்கும் வரி, அவர்களுக்கு இன்றைய தினம் கிடைத்துக்கொண் டிருக்கும் வருமானத்தைக் கொண்டே கணக்குப் பார்த்தாலும் மிகக் குறைவு என்று சொல்லிக்கொள்ளவும் விரும்புகிறேன். வரி இன்னும் அதிகம் போடுவதன் மூலமாக சர்க்காருக்கு இன்னும் கொஞ்சம் அதிக வருமானத்தை எதிர்பார்க்க முடியும்.

"சர்க்கார் நீர்ப்பாசன அபிவிருத்தி வரியைக் கொண்டு வந்தபோது நாங்கள் அதைப் பலமாக எதிர்த்தோம். அப்பொழுது காங்கிரஸ் கட்சி யிலிருந்து பேசியவர்கள், கம்யூனிஸ்டுகளாகிய நாங்கள் எந்த வரியைக் கொண்டு வந்தாலும் எதிர்ப்பதாகப் புகார் சொன்னார்கள். அது ரொம்பவும் ஆதாரமற்ற புகாராகும். நாங்கள் நீர்ப்பாசன அபிவிருத்தி வரியை எதிர்த்தோம் என்றால் அது நிச்சயமாக நம் நாட்டிலுள்ள ஏழை எளிய விவசாயிகளைப் பாதிக்கும் என்ற ஒரு காரணத்திற்காகவே எதிர்த்தோம். ஆனால் அப்பொழுதே சர்க்காருக்கு வருமானம் வேண்டுமென்றால் இந்த மலைத் தோட்டங்களுக்கு வருமான வரியை சர்க்கார் ஏன் போடக்கூடாது என்று கேட்டிருக்கிறோம். இன்றைக்கு மலைத் தோட்ட வருமான வரியைக் கொண்டு வந்திருக்கும்பொழுது நாங்கள் அதை மனப்பூர்வமாக ஆதரிக் கிறோம். இன்னும் வரியை அதிகம் போடுங்கள் என்றுதான் சர்க்காருக்குச் சொல்லுகிறோமே தவிர காங்கிரஸ் கட்சிக்காரர்கள் புகார் சொல்வதைப் போல நாங்கள் வரியே போடவேண்டாமென்று சொல்லவில்லை யென்பதை அவர்களுக்கு ஞாபகப்படுத்த விரும்புகிறேன். எங்கள் கட்சியின் கொள்கை வரியைக் கொடுக்கக்கூடிய சக்தியுள்ளவர்களுக்கு வரி போடவேண்டுமே தவிர வரி கட்ட முடியாத நிலைமையில், ஏன் வாழ்க்கையே நடத்த வகையின்றி தவிக்கின்ற பரம ஏழை எளிய மக்களுக்கு வரி போடக் கூடாது என்பதே தான். பணக்காரர்களுக்கு நிறைய வரி போடுங்கள். நாங்கள் ஆதரிக்கிறோமா இல்லையா என்று வேண்டுமானால் பாருங்கள் என்று சொல்லிக்கொள்ள விரும்புகிறேன். ஆகவே எல்லா வரியையும் எதிர்ப்பது எங்கள் கொள்கை அல்ல. வெள்ளைக்காரர்கள் இந்த நாட்டின் இயற்கைச் செல்வத்தைச் சுரண்டிக்கொண்டிருப்பவர்கள், இந்த நாட்டி லுள்ள ஏழை எளிய தொழிலாளர்களின் உழைப்பைக்கொண்டு தங்கள் ஊதியத்தைப் பெருக்கிக் கொண்டிருப்பவர்கள் ஆகியோருக்கு நிறைய வரி போடுவதையே நாங்கள் ஆதரிக்கிறோம். அந்தத் திசையிலே இந்த மசோதா முதற்படியாக வந்திருக்கிறது. ஆகவே நான் இதை முதலிலேயே வரவேற்கிறேன் என்று சொல்லியிருக்கிறேன்.

"இன்றைக்கு அந்த மலைத் தோட்டங்களின் நிலைமை என்ன? இந்த ராஜ்யத்திலே மாத்திரம் ஏழு கோடி ராத்தல் தேயிலை உற்பத்தி செய்யப் படுகிறது என்று சொன்னேன். அதிலே இந்த நாட்டின் சுய தேவை குறைந்தபட்சம் இரண்டு கோடி போக பாக்கியுள்ள ஐந்து கோடி ராத்தல் வெளி நாடுகளுக்கு ஏற்றுமதி செய்யப்படுகிறது. மத்திய சர்க்கார் இவற்றுக்கு

ஏற்றுமதி வரி ராத்தல் ஒன்றுக்கு 10 அணு போடுகிறார்கள். அதன் மூலமாக மத்திய சர்க்காருக்கு மூன்று கோடி ரூபாய் வருமானம் கிடைத்துக் கொண்டிருக்கிறது. உண்மையிலேயே நம் ராஜ்யத்திலிருந்து மாத்திரம் ஏற்றுமதி செய்யப்படுகிற தேயிலையிலிருந்து மத்திய சர்க்காருக்கு மூன்று கோடி ரூபாய் வருமானம் வருகிறது என்றால் அதில் பாதியையாவது நமது ராஜ்யத்திற்கு அவர்கள் கொடுத்துவிடவேண்டும். அதாவது ராத்தல் ஒன்றுக்கு பத்தணு ஏற்றுமதி வரி போட்டார்களானால் அதில் ஐந்தணுவை நம் ராஜ்யத்திற்கு அவர்கள் கொடுக்க வேண்டியது ரொம்பவும் நியாய மாகும். ஆனால் அவர்கள் அப்படிக் கொடுப்பது கிடையாது.

"இந்த தோட்டத்தின்மீது விதிக்கப்படும் வரியினால் மத்திய சர்க்கா ருக்கு மூன்று கோடி ரூபாய் போய்விடுகிறது. ஏற்றுமதி வரி ராத்தலுக்கு 10 அணு என்றால் 5 அணு ராஜ்ய சர்க்காருக்குக் கொடுக்கும்படி கேட்க வேண்டும். ஏனென்றால் நம் சென்னை ராஜ்யத்தில் உற்பத்தி அதிகம். சணல்களுக்கு விதிக்கும் ஏற்றுமதி வரியிலிருந்து மத்திய சர்க்கார் வங்க சர்க்காருக்கு ஒரு பகுதியை கொடுத்துவிடுகிறது. அதேபோல் சென்னை சர்க்காருக்கும் அளித்தால் இதனால் சென்னை சர்க்காருக்கு $1\frac{1}{2}$ கோடி ரூபாய் வருமானம் கிடைக்கும். இன்றைக்கு 50 ஏக்கருக்குமேல் வைத் திருக்கும் கம்பெனிகள் 94 இருக்கின்றன. இந்த கம்பெனிகளெல்லாம் பெரும் லாபத்தை அடைகின்றன. இப்பொழுது கொடுக்கப்பட்டிருக்கும் சிபார்சைப் பார்த்தால் ஐந்து ஏக்கருக்கு குறைவாக வைத்திருப்பவர் களுக்கு இந்த வரியினின்று விதி விலக்கு அளிக்கவேண்டுமென்று சொல் கிறது. ஐந்து ஏக்கர் என்பது இன்னும் அதிகமாய் இருந்தால் நலமாக இருக்கும் என்று தோன்றுகிறது. நில அபிவிருத்தி விஷயத்திலும் இதே கொள்கையைத்தான் கம்யூனிஸ்ட் கட்சி அனுசரித்து வந்திருக்கிறது. இம் மாகாணத்தில் 10 ஏக்கர் வரை விதி விலக்கு கொடுத்தால் நல்லதென்று தோன்றுகிறது. இந்த நாட்டிலே 94 தேயிலைக் கம்பெனிகள் இருக் கின்றன. சாதாரண முதலாளிகள் அல்ல பெரிய பணக்காரர்கள், வெள்ளை கார முதலாளிகள். இவர்களெல்லாம் மூலதனம் ஒன்றும் போடவில்லை. நீலகிரி, ஆனமலை முதலிய எஸ்டேட்டுகள் வெள்ளைக்காரர்களுக்கு சொந்த மான அரசாங்கம் இருந்ததால், அந்த நிலங்கள் இவர்களுக்கு தானமாக கொடுக்கப்பட்டன. பெரிய நிலத்திற்கு மிராஸ்தார் நிலத்தை குத்தகைக்கு விட்டு 50 சதத்தை பெற்றுக்கொள்கிறார்கள். ஆனால் இன்று தேயிலை தோட்டங்களை இலவசமாக பெற்றுள்ள தோட்ட முதலாளிகள் குத்தகை யாக சர்க்காருக்கு ஒன்றும் கொடுப்பதில்லை. ஒரு தேயிலைச் செடி 60 வருடத் திற்கு பலன் தரும். இந்தத் தேயிலையில் 11 மாதத்திற்கும் பலன் கிடைக்கும். அவர்களுக்கு இந்த வருமானம் வருஷம் பூராவும் இருக் கிறது. வருஷம் பூராவும் விளைச்சல் இருக்கிறது. இந்த விவசாயத்தில் நஷ்டம் ஏற்படுவதற்கு வழியே இல்லை. இவ்வளவு லட்சக்கணக்கான வருமானம் உள்ள நிலத்திற்குச் சொந்தக்காரர்கள் பெரும்பாலும் வெள் ளைக்காரர்கள்தான். நீலகிரி, ஆனைமலை எஸ்டேட்டை எடுத்துக்கொண்டால் ஒவ்வொரு வருஷமும் ஏராளமான வருமானம் இருக்கிறது. சர்க்காரே எடுத்து நடத்தினால் அந்தப் பணம் நம் நாட்டு மக்களுக்கு சொந்தமாகும். இப்பொழுது வெள்ளைக்காரர்களால் தங்கள் நாட்டுக்கு கொண்டுபோகப் படுகிறது. ஒரு ராத்தல் தேயிலை உற்பத்தி செய்வதற்கு செலவு ரூபாய் ஒன்றுதான். இன்று நமது ராஜ்யத்தில் வருடம் ஏழு கோடி ராத்தல் தேயிலை உற்பத்தி செய்யப்படுகிறது. இன்று ஒரு ராத்தல் விலை ரூபாய் மூன்று. இதன்படி பார்த்தால் 31 கோடி ரூபாய் கிடைக்கின்றது. இதில் செலவு போக வருடம் ஒன்றுக்கு 14 கோடி ரூபாய் மீதமாகின்றது. இதில் மத்திய, மாகாண அரசாங்கங்களுக்கு வரி செலுத்துகிறது போக வருடம் ஒன்றுக்கு குறைந்தது எட்டு கோடி ரூபாய் லாபம் கிடைக்கிறது. 4-40 p.m.

"இந்தத் தேயிலைத் தோட்டங்களை சர்க்காரே எடுத்துக்கொண்டால் நாட்டில் எந்த விதமான புதிய வரி விதிப்பிற்கும் அவசியம் இருக்காது. இப்பொழுது $5\frac{1}{2}$ அணு வரி என்பதை $10\frac{1}{2}$ அணுவாக போடலாம். இந்த வரி போடுவதினால் வெள்ளைக்காரர்கள் இந்த நாட்டைவிட்டுப்போய் விடமாட்டார்கள். கனம் ஸ்ரீ பீ. ஜீ. மாணிக்கம் அவர்கள் சொன்னதுபோல்

[Sri K. T. Raju] [15th February 1955

வேலையில்லாது கஷ்டப்படும் ஹரிஜனங்களுக்கு வேலை கொடுக்கலாம். இதனால் நாட்டிற்கு நல்ல பலன் ஏற்படும். தேசிய இயக்கம் நடந்த காலத்தில் இந்த தேயிலைத் தொழிலாளர்கள் கஷ்ட நிலையை உணர்த்த "தேயிலைத் தோட்டத்திலே" என்ற பாட்டைப் பாடுவார்கள். நீலகிரி தேயிலைத் தோட்டம் போன்ற இடங்களில் ஹரிஜன குடும்பம் முழுவதும் கொடுத்த உழைப்பினால்தான் இப்போதுள்ள எஸ்டேட்டுக்கள் வளம் அடைந்துள்ளன. ஆதலால் இந்த கொள்ளை அடிக்கும் வெள்ளைக்கார முதலாளிக்கு வரிபோடுவதில் அஞ்சுவது கூடாது. இது எப்படி இருக்கிறதென்றால் சிட்டுக்குருவியின் தலையில் பனங்காயும், யானையின் தலையில் சுண்டைக்காயும் வைப்பதுபோல் இருக்கிறது. நாங்கள் சொல்வதைப்போல் வரியை விதித்தால் 2½ கோடி ரூபாய் வருமானம் கிடைக்கும்.

"இந்த எதிர்க்கட்சிக்காரர்கள் எதற்கெடுத்தாலும் வரி கொள்கையை எல்லாம் எதிர்க்கிறார்கள் என்றெல்லாம் பேசக்கூடாது. ஐந்து கோடியும் ஏழு கோடியுமாக பயன் அனுபவிக்கிறவர்களுக்கு 5½ அணா போடக்கூடாது, 10½ அணா போடுவதுதான் நியாயம். இந்த முறையில் கம்யூனிஸ்ட் கட்சி ஆதரவு கொடுக்கத் தயாராய் இருக்கிறோம். அதோடு மத்திய சர்க்காரிடமிருந்து 2½ கோடி ரூபாய் கேட்கும்படியாக சொல்லுகிறோம். இந்த அரசாங்கம் இப்போது கொண்டுவந்திருக்கும் இந்த மசோதாவை, கொள்கையிலும், லட்சியத்திலும் நாங்கள் உண்மையாகவே வரவேற்கிறோம். இனிமேல் இந்த முறையில்தான் வரி போட ஆரம்பிக்கவேண்டுமென்றும் கேட்டுக்கொள்கிறேன். இந்த முறையை அரசாங்கம் கையாண்டால் வேலையில்லாத் திண்டாட்டம் ஒழியும், மக்களின் வாங்கும் சக்தி அதிகரிக்கும். அப்படியே ஏற்றுக்கொண்டால் 10½ கோடி ரூபாய் வருமானமும் கிடைக்கும். ஆதலால் இதை ஏற்றுக்கொள்வார்கள் என்று நம்புகிறேன்."

4-50 p.m. * SRI B. VAIKUNTA BALIGA :—" Mr. Deputy Speaker, Sir, it would have been unnecessary for me to rise and support this Bill but for the fact that there has been a certain amount of misconception on the part of the Opposition. The Members of the Opposition have said that they are supporting the Bill wholeheartedly. So the Hon. Minister piloting the Bill will have to answer the criticisms of the members of his own party. That the members of the party in power will support a measure that is brought by the Government is beyond doubt or debate. If there is the added support of the Opposition, then that measure gets the maximum support that any legislative measure could be expected to get. I congratulate the Minister in charge of the Bill on bringing forward a Bill which has got the support of the entire House including the Members of the Opposition. It would not have been necessary to discuss the matter further but for the circumstance that a few poser ideas have been put into the debate. It is said that this Bill is intended to help the capitalists and that the party in power is out to protect the capitalists at the expense of somebody else, that 'somebody else' evidently referring to labourers. I say that it is an entirely wrong approach. A time was when a budget was considered the most lovable if it did not propose any new taxes. But to-day the position is not like that. There are very few budgets that are presented to-day that do not propose any new taxes. Having regard to the need of the Government for more funds for carrying out ameliorative measures, fresh taxation has become inevitable and all parties will have to accept that position. So far as the principle embodied in this Bill is concerned, I am supporting it not only on behalf of my party but also on behalf of the entire House. An impression is created by

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some of the speeches made that the four plantation industries that are taxed by this Bill are very big industries and that they are owned entirely or to a large extent by foreigners. I will not venture to engage the attention of the House with regard to all the four industries. I will confine myself to the major among the four namely the coffee industry. The figures that have been put into my hands, whose correctness I have no reason to doubt, lead me to just the opposite conclusion. Of the various States that have got coffee plantations, Madras State has got about one lakh of acres, Mysore comes second, Coorg comes third and the other States have got small extents spread over here and there. In Madras State, Indian-owned or Indian-controlled estates are more than ten times those owned by Europeans or foreigners. Taking one or two companies and generalising the position will not give us the correct approach or lead us to correct conclusions. Of the total number of estates, 21,442 estates have each an area of less than 5 acres, 2,491 have each an extent of between 5 to 10 acres, 1,820 have each an extent of between 10 to 25 acres. Thus gradually when it comes to a question of 200 acres and above we have got only 303 estates and all these 303 estates are not owned by Europeans. Not that to my mind it makes any difference whether an industry is owned by an Indian or an European. When the need of the Government for funds for carrying out ameliorative measures is conceded and the principle embodied in the Bill is accepted, let us not make it a point to bring in racial discrimination between Indian and foreign planters. Not that I love the foreigner more than my brother in India. When I love my Indian brother, it does not necessarily mean that I detest the foreigner. When a foreigner is prepared to give us co-operation and act in concert, I really do not see why he should be placed at a disadvantage. I certainly agree that a foreigner should not rob and go away as he might have done in the past. But that time has gone and gone for ever. Let us take stock of the present situation, concentrate on constructive proposals and accept all co-operation and help, financial and otherwise, in building up our nation which is the common ideal of all parties in the State.

" Since this is the general discussion stage of the Bill, I will refer to a few principles of the Bill without going into details. It is said that the provisions of this Bill are taken from the Indian Income-tax Act and the Travancore-Cochin Agricultural Income-tax Act. The point that arises is whether there should be a slavish imitation of the other Acts and whether we should not profit by the experience gained in the working of those Acts and avoid the mistakes that have been detected. What I have in my mind is the allowances and deductions admitted for computing the agricultural income. When certain allowances and deductions are admitted in the Indian Income-tax Act and the Travancore–Cochin Agricultural Income-tax Act, I do not see any reason why those allowances and deductions should not be admitted under this Act. The reasons which prevailed for allowing deductions in those Acts prevail in respect of this Act also. If a person has borrowed for

purchasing or working an estate, there is no reason why that debt should not be deducted in computing agricultural income. The actual income cannot be known, unless all the expenses are computed and deducted. There may be a few benami transactions here and there. The account books are open to scrutiny and such transactions can be checked. But the possibility of the occurrence of such transations should not be made a ground for disallowing even money borrowed for meeting the legitimate expenses of the estate.

"The changes made by the Select Committee are really very good. The Select Committee made detailed study of the Bill and I am glad that several points have been conceded. The Bill as it has emerged from the Select Committee is a slight change for the better. Barring a few changes that may be found necessary in the light of the further discussion, this measure has got the warm support of every Member and I am happy to lend my support. I commend the Bill for the acceptance of the House."

DEPUTY SPEAKER :—"The House will now adjourn and meet again at 11 a.m. to-morrow."

The House then adjourned.

TRUTH ALONE TRIUMPHS

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APPENDIX I.

[Vide answer to starred question No. 709 asked by Sri N. K. Palanisamy at the meeting of the Legislative Assembly held on 15th February 1955, page 508 supra.]

Extract from the Special Officer's report containing suggestions for the amendment of the Madras Shops and Establishments Act, 1947.

* * * * *

9. The Government have asked me to report mainly on the question of exemptions and prosecutions. The representations received by me on the other hand mostly deal with respect to other matters. I submit below a gist of the more important representations with my remarks thereon for necessary orders :—

A number of employers have stated that the term "persons employed in any establishment in a position of management" in section 4 (1) has not been defined and one of them has queried whether the head of a section in an office which contains several sections will come under the definition or not. Another has suggested that a salary limit should be fixed for the employees to whom the Act should apply. It has been pointed out that a salesman in a firm of motor car dealers getting a salary of Rs. 1,000 per month and a commission on the sales has claimed to come under the Act. It does not seem to me that the intention of the Act is to interfere with the relations between the higher-paid employees and their employers. I would suggest that the term "Person in a position of management" may be more comprehensively defined and also a salary limit of about Rs. 300 may be fixed in respect of employees.

It has been represented that provision should be made in the Act for the grant of gratuity where an employee is dismissed under section 41. I think there is no justification for giving gratuity where an employee is dismissed for misconduct. There may be a case for providing for a gratuity depending on the length of service, where an employee is ousted on account of retrenchment, or retired on account of old age, in the case of bigger shops and commercial establishments, say those paying more than a certain amount of sales tax.

It has been represented that drivers and transport workers should be brought within the scope of the Act. I recommend this suggestion.

Wages and other emoluments payable under the Act are now recoverable only through a Civil Court. It has been suggested that provision similar to that in the Payment of Wages Act should be made to enable recovery or in the alternative the Payment of Wages Act should be made applicable to shops and establishments. I recommend this suggestion.

It has been suggested that there should be an appeal from the decision of the Labour Commissioner under section 50. I think there is no harm in providing that where an employee so desires he may take the matter in appeal to an Arbitrator or the Government. Such a right need not, however, be given to employers. So far as they are concerned the decision of the Labour Commissioner should be final.

It has been represented that co-operative institutions should not be exempted from the provisions of the Act. I agree with this suggestion. The profits of the co-operative society go to the shareholders and so long as the society has to employ persons for doing its work there is no reason why the beneficial provisions of the Act should not be made applicable to them. The sympathy normally shown to the co-operative societies as against private merchants should not be allowed to confuse the view to be taken of relations between the society and its own employees.

It has been represented that certain firms in the City purposely altered the existing privileges just before the Act was passed so as to escape the operation of section 50 and it has been suggested that section 50 should be amended so that the privileges which were in force on a date before the provisions of the Act were under discussion in the Legislature, should be fixed—say, a date one year before the commencement of the Act. I recommend this suggestion for consideration.

There are certain business firms in which the period of work both before and after the passing of the Act has been less than the prescribed maximum of eight hours. The question " What is overtime? " arises in the case of these firms. If we suppose that the number of hours of work in a firm is six and a half, is the employee entitled to overtime wages for half an hour when he is asked to work for seven hours; or will he become entitled to overtime wages only when the eight-hour period is exceeded. A ruling given by the Labour Commissioner on this point in favour of the employers seems to have been set aside by the High Court and this decision in turn was set aside by the Supreme Court on the ground that the Labour Commissioner's decision in the matter was final. It is also seen from the letters of different employers that they are following different interpretations. I submit that the position may be made clear and overtime wages may be made payable where work is done in excess of the normal hours of work obtaining in the firm though the total period worked on the day may be less than the period of eight hours fixed under the Act.

The Act does not apply to persons whose work involves travelling. What amounts to travelling has not been defined. Will cycle messengers who carry messages in the City come under the definition or not? I think the Act should be amended making the intention clear and that employees who have to travel within a City should not be exempted from the Act. Though the Act

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does not now apply to caretakers, it has been suggested that watchmen should be brought within the scope of the Act. I recommend that this may be done though different hours of work and periods of work may be specified for them.

It has been pointed out that the provisions of section 41 are not effective enough. The Appellate Authority can decide under section 41 that the dismissal of an employee was improper but he cannot order his reinstatement. It will still me open to the employer not to take back the employee into service and the only remedy for the employee is to go to a Civil Court. No doubt the decision of the Appellate Authority under section 41 will be given due weight in the Court but the procedure becomes complex and costly. It has been suggested that the decision under section 41 should have the force of a decree. I think that though the Act confers certain privileges to the employees it is ultimately only the employer who has to pay the salary of the employee and the Appellate Authority is not going to pay it. In spite of all possible legislation ultimately the employer and employee have to settle things mutually in an amicable manner and it will become a difficult and impossible situation if an unwanted employee is to be forced upon an employer under section 41. I think therefore that the section may be amended giving power to the Appellate Authority to direct that where the employer is not prepared to take back the employee, he should in the alternative make a specified lump sum payment as compensation to the employee. This may be giving some compensation to the employee, while saving the employer the necessity of having to take back an employee whom he does not like for some reason or other. I think it may be more convenient from the point of view of the employers and employees if a local officer, say the Inspector of Factories, is made the Appellate Authority in petty cases—where the employee gets a salary below a certain limit. In the more important cases a second appeal or a reference to the Court preferably the later may be provided.

As the Act stands at present sick leave cannot be accumulated. It has been suggested that casual leave and sick leave should not lapse at the end of the year. I do not think that it is possible to accumulate casual leave but I recommend that the Act may be amended so that the sick leave may be accumulated for a period of two years.

It has been represented that store-rooms, godowns and warehouses attached to commercial establishments which are now outside the scope of the Act should be brought within the Act. I recommend this suggestion. It has been suggested that canvassers should also be brought under the Act. I think that though it may not be possible to fix hours of work in respect of canvassers there seems to be no reason why some of the other provisions of the Act like payament of salary, granting of casual leave, privilege leave, sick leave, etc., should not be extended to them. I recommend that the Act may be amended suitably.

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It has been suggested that there should be provision for tiffin or restrooms in shops where more than 20 employees are working. I recommend this suggestion.

Some important Banks have represented that the conditions of service of Bank employees were recently the subject of arbitration by the All-India Industrial Tribunal (Bank disputes), that this award was set aside in appeal but the matter is under enquiry and another award is going to be passed and that the award will cover all the matters covered by the Madras Shops and Establishments Act, that the previous award was more liberal than the Act and that for all these reasons the Banks should be exempted from the provisions of this Act. The Banks find it inconvenient to comply with two sets of regulations, viz., those contained in the Tribunal's award and those in the Act. They also find the inspections by the Assistant Inspectors of Labour rather irksome. If an award or other decision confers privileges on the employees not less than those contained in the Act, then I submit that there is no need to enforce the Act. All such Banks may be exempted. I would also suggest that in the case of reputed establishments which, of their own accord, have been maintaining their own registers, exemption may be given from maintaining the registers prescribed under the rules in the Act provided that *all* the required information can be obtained from the registers maintained by the establishment.

It has been represented to me that small shops or establishments employing less than four or five persons should be exempted from the operation of the Act. I do not recommend this suggestion. It has been suggested that the Act and the rules revised up to 31st March of every year should be published and that the Labour Commissioner's orders should also be published in the form of a Manual at annual intervals. I recommend this request.

It has been suggested that the casual leave of 12 days is for a permanent employee and that there should be provision to reduce it proportionately in the case of employees who leave after three or four months. I think section 25 (2) may be amended so that the full casual leave of 12 days becomes admissible only in the case of employees who have put in a service of not less than one year. In the case of new entrants who have not completed one year's service, the casual leave admissible may be restricted to two days for every month of service put in by them.

It has been stated that the option to work overtime now rests with the employee and that section 14 (1) must be amended so that an employee may be required to work overtime subject of course to the payment of overtime wages. I think this matter is one to be settled amicably between the employer and the employee and it is unlikely that any employee will normally refuse to work overtime if he is paid the overtime wages. However, the Act may be amended giving the employer the right to demand overtime work up to a specified maximum subject of course to the payment of overtime wages except where the employee has reasonable cause for refusal.

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It has been suggested that some offices are distempered once in three or four years and this is as good as annual white-washing. I recommend that such cases may be taken into account and rule 5 in the Act which prescribes annual white-washing may be suitably modified.

It has been represented that some employees in firms are required to make a security deposit and that a monthly deduction is made in the salary towards the payment of this security deposit. It has been suggested that provision should be made under section 34 for making such deductions. I recommend that where an employee agrees to such reductions they may be made and that section 34 may be amended suitably.

It has been represented that holidays for festivals should be allowed. I recommend this. It should be made compulsory in the case of establishments. In the case of shops, restaurants, cinemas, etc., to which the public resort on festival days it should be made obligatory to give a compensatory holiday to the employee concerned.

10. Some of the Assistant Inspectors of Labour have represented to me the following difficulties :—

The term "any business connected with establishment" occurring in section 2 (2) of the Act has not been defined. There have been cases where a shop was kept open on the day of weekly closures and the shop-keeper on being prosecuted contended that the shop was kept open for receiving goods and not for effecting sales. The Court accepted this plea and acquitted the accused. I recommend that the term "closed" should be defined so as to make the intention clear.

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APPENDIX II.

[Vide answer to starred question No. 716 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 15th February 1955, page 515 supra.]

A detailed report on the dysentery epidemic in Agathi and Kavarathy islands.

I disembarked at Agathi island on 4th April 1954, with necessary medical equipments for the treatment of dysentery as per instructions to stay in the island to render medical aid to the dysentery cases till the epidemic subsided and then to proceed to Kavarathy.

2. Dysentery epidemic broke out in Agathi in the third week of January 1954 with its peak during the middle of February and, by the end of March 1954 the epidemic had subsided. The Assistant Surgeon Dr. Bhannunni Nair, who was in charge of Government Dispensary, Kavarathy, reached the island on 24th March 1954 with necessary medicines for treating dysentery cases.

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When the dysentery epidemic was well in control he returned back on 29th March 1954 to Kavarathy island where the Government dispensary was located. He had already submitted a report to District Medical Officer, Malabar, and to the Collector of Malabar, regarding dysentery.

3. I reached the island six days after the return of Dr. Bhannunni Nair from Agathi to Kavarathy. There was no dysentery epidemic when I reached the island. I have already communicated this fact in my progress report, dated 10th April 1954, sent from Agathi to District Medical Officer, Malabar district. There were only seven cases during my whole period of stay in Agathi island. Even those seven cases were alright in every respect on examination except they gave the history of dysentery, probably made their appearance as out-patients for stocking sulphaguanidine tablets. However, they were issued with sulphaguanidine tablets to be on the safe side. There were quite a large number of out-patients suffering from other diseases, mainly, (1) trachoma and other diseases of the eyes, (2) brochial asthma and other diseases of the respiratory system, (3) diseases of the digestive system and (4) deficiency diseases. But most of the medicines collected by me from Headquarters Hospital, Kozhikode, was intended for treating dysentery and was not much use for treating other diseases. However, I had some medicines for other diseases also purchased by me for own use which were also freely utilized till they got exhausted. The dysentery epidemic had subsided completely and there were no cases of dysentery later.

4. My further stay at Agathi without medicines to treat other cases than dysentery would have served no purpose and if I had prolonged my stay for some more days at Agathi, the monsoon season would have forced me to continue my stay in Agathi during the whole of monsoon (six months) also. Meanwhile, I received information that dysentery had started spreading in Kavarathy and that those islanders were scared about the same. Hence, I left the island of Agathi on 10th April 1954 night to Kavarathy by a small odam with the help of the prevailing favourable winds to take charge of the Government dispensary from where the medical officer had already left on 4th April 1954 to mainland. I reached Kavarathy on the evening of 11th April 1954. Before leaving Agathi, I had instructed the Amin and the prominent men to let me know if there is any outbreak of dysentery again or outbreak of any other diseases in epidemic form. I have also instructed them that if the direction of the wind is not favourable to convey messages to me, but favourable to send the messages to mainland, or if sailing from Kavarathy to Agathi is not possible, the message should be sent to the authorities on the mainland, for immediate steps to rush medical aid.

5. Since after my arrival in Kavarathy, there were 64 new cases of frank dysentery with blood and mucus most of them serious and 40 cases of diarrhoea (without blood or mucus). Five cases including one emergency ward case died. Most of the cases

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including serious cases responded well to heavy doses of sulphaguanidine besides other usual mixtures like mist, pro-diarrhoea, kaolin, etc., and (intravenous) glucose and normal, saline in cases of dehydration. Vigilent precautions were taken to prevent the spread of the disease. Antiseptic lotion ($2\frac{1}{2}$ per cent cresol) was sent to the houses whenever the cases occurred and advices given about the disposal of excreta after disinfection and other precautions.

Dysentery is endemic in these islands sometimes taking epidemic proportions. The main reasons for this are—

(i) *Mal-nutrition.*—Normally 90 per cent of the islanders live a hand to mouth existence. During the monsoon months, the stock of rice and other eatables get exhausted by the middle of the season and famine conditions prevail. This was felt more so this year due to poor yield of coconuts.

(ii) *The source of water-supply.*—The water for drinking and cooking purpose are collected from subsoil step-wells and pits with sloping sandy banks which are usually polluted with all sorts of contamination including excreta, and great source of infection of water-borne diseases especially during rainy season.

(iii) *General sanitation and personal hygiene of islanders.*—There are no latrines system; the islanders defaecate in open ground all over the country-side and get into the public private step-wells for washing the anus and genitallia, from many of which water is drawn for cooking and drinking purpose also. People are dirty in their habits of living. The poultry feed mainly on human faeces and find free access into the houses even to the kitchen and great source of carrying infection.

(iv) *Certain social habits.*—Cooking utensils, etc., are not washed properly. Cooked food are usually eaten by many from the same pot or plate. They spit profusely inside their house. There are still many dirty habits which I don't mention here due to lack of space.

6. I gave lectures twice in May and June to the general public about the great necessity of protecting their wells from contamination of water by constructing steening with stones at least above the surface, etc., the various preventive measures to avoid spread of dysentery and of the great necessity of personal and community hygiene and keeping the general sanitation of the island, by making pit latrine, etc. The general sanitation of the island has improved vastly, but the steening of wells and such constructing works which involve time and money and local labour are not done. The Amin was very co-operative in enforcing sanitation of the island and used to take disciplinary action against the islander whenever I reported that a house or its premises were seen in bad sanitary condition. Only sporadic cases of dysentery occurs now. There was an epidemic of tropical ulcers also during the months of June and July 1954; there were 71 cases of tropical ulcers during June and July and in August they are also well on the decline.

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7. The existing arrangement of one dispensary functioning eight months in Kavarathy and four months in Agathi is not practicable. In this connection I beg to bring to your knowledge the undermentioned facts.

8. The Government dispensary was opened at Kavarathy in the year 1936 and the orders for the shifting of the dispensary to Agathi to function there for four months each year was simultaneously issued. Agathi is 36 miles north-west of Kavarathy and 208 miles from Kozhikode. It is the outermost of the Laccadive islands in the Arabian Sea. No country craft can sail in the rough sea during the whole of monsoon season, during the rest of the year, also sailing from one island to another is possible only in one direction and that too if one is fortunate to have the prevailing wind in the right direction and the current in the sea is favourable let along the risks involved to life and property, in those flimsy native odams. Almost every year serious cases of Agathi who needed medical aid were taken to the medical officer in Amin Divi island because even though that island is 65 miles away from Agathi, sailing to and from that island was possible, whereas the odam could not make headway against the wind between Agathi and Kavarathy islands blowing in the opposite direction. No medical officer can predict how many days he will be able to stay in Agathi. In fact, from the past records and files it will be seen that since after the starting of the dispensary only few medical officers could fix up his stay for about 8 months in Kavarathy and about 4 months in Agathi. Many of them could stay only few days, few had to cancel their trip to Agathi ultimately after awaiting a favourable wind for a long period. On very many occasions, the odam carrying the medical officer, staff and Government equipments of dispensary had been tossed about on the high waves for days together to the tune of the fury of storm and other inclement weather conditions, and ultimately landing up in some other island which is neither Kavarathy nor Agathi and sometimes being washed ashore (after several days ordeal without water even) on the mainland in a shipwrecked condition with broken mast and torn sails.

9. There were also many instances after the establishment of this dispensary when these islands of Agathi and Kavarathy were in the clutches of virulent epidemics like smallpox and cholera and that the medical officer though received information of the epidemic ravaging like wild fire taking a good toll of life, was absolutely helpless to render any medical aid since he could not reach the island making headway against the wind blowing in the opposite direction.

10. Taking into consideration the above facts, may I be permitted to express that whatever small amount the Government spends for the establishment of a dispensary on that island permanently will be a great boon to those helpless forlorn islanders of Agathi and will serve the medical officer from great predicaments.

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11. Some of Kavarathy islanders who had been to Amin Divi island to fetch rice from that island arrived here back yesterday. I gathered information from them that an odam had gone to that island from Agathi with a patient for treatment, that the Agathi islanders told them that after my departure from Agathi, dysentery again started spreading in Agathi which gained 'momentum' during the rainy season and that there were about 70 deaths from that disease, mostly children below 10 years of age. They also said according to information received, that the epidemic has again more or less subsided. These informations may be true or exaggerated. Any way, it is not possible to sail to Agathi island at least till the middle of November making headway against the prevailing wind blowing in the opposite direction.

APPENDIX III.

[Vide answer to starred question No. 723 asked by Sri V. Gopala Gounder at the meeting of the Legislative Assembly held on 15th February 1955, page 523 supra.]

Rules of constitution and working of the Half-yearly District Irrigation Conference.

The District Conferences should be held twice a year in February and August every year subject to such modification in the date and month as might be found necessary in individual cases. In districts where there are two or more Executive Engineers (e.g., Tanjore), two conferences a year should be held for each of the Public Works Department divisions. When one Executive Engineer looks after more than one district, two conferences a year should be held in each of the districts. One of the two conferences may be held in the off-season in summer and the other in the middle of cultivation season as considered desirable so that suggestions regarding irrigation matters may be put into execution in the following cultivation season or investigated at leisure in the off-season as the case may be.

2. The Executive Engineer concerned will be the secretary and convenor and the Collector will preside over the conference.

3. The conference should be attended by Revenue Divisional Officers, Subdivisional Officers, District Agricultural Officer, M.L.As. and M.L.Cs. of the district (if they are willing) and six representatives of the ryots selected from different areas in the district or division, as the case may be, by the Collector in consultation with the M.L.As. and M.L.Cs. of the area and the Executive Engineer concerned.

4. The conference will sit from 11 a.m. to 5 p.m., unless the agenda is finished earlier, and consider the grievances of the ryots in regard to irrigation matters generally and any other matter

referred to it and make specific recommendations. Generally the conference would deal with matters of general policy relating to irrigation and drainage.

5. All representations intended to be examined during the conference should be made in writing to the Executive Engineer, Public Works Department (Secretary of the Conference) and such representations made two months in advance of the date of the conference would be included in the agenda for the meeting. The Executive Engineer or the Collector may at his discretion include in the agenda for a meeting individual representations without prior notice, if necessary.

6. The subjects to be considered at the conference should be predigested by joint investigation by Public Works Department, Revenue, Agriculture and other departments concerned. The Executive Engineer concerned should prepare the agenda for the conference, subject to the approval of the Collector, and communicate it to all members concerned and departmental heads in the district at least a month before the date of the proposed conference so as to give time to all members especially the non-official members to study the question involved. Local officers like Revenue Divisional Officers, Agricultural Demonstrators, Public Works Department Supervisors, etc., may hold informal conferences with prominent ryots where necessary during the process of predigestion of the proposals to be considered by the District Irrigation Conference. This would enable the local ryots to represent their views to the Government officials and also enable the Government officials in turn to explain the details of any new proposed schemes to the ryots.

7. Separate self-contained references on such of the resolutions passed at the conference as call for orders of Government should be submitted by the Executive Engineer through the Collector, the Chief Engineer (Irrigation), the Board of Revenue and the Agricultural and Irrigation Development Board and should reach the Government along with the recommendations of the Chief Engineer and the Boards.

APPENDIX IV.

[Vide item III (2) on page 555 supra.]

REPORT OF THE SELECT COMMITTEE ON THE MADRAS PLANTATIONS AGRICULTURAL INCOME-TAX BILL, 1954 (L.A. BILL No. 30 OF 1954).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Plantations Agricultural Income-tax Bill, 1954 (L.A. Bill No. 30 of 1954), has the honour to make the following report.

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2. The Bill was published in an Extraordinary issue of the *Fort St. George Gazette*, dated the 28th July 1954, and in Tamil Telugu, Malayalam, Kannada and Hindustani in the *Fort St. George Gazette*, dated the 18th August 1954.

3. The Select Committee was appointed by a resoultion of the Assembly, dated the 9th August 1954.

4. The Select Committee met in the Committee Room, Fort St. George, on the 27th September 1954, 28th, 29th and 30th October 1954 and the 30th November 1954.

5. At its first meeting on the 27th September 1954, the Committee resolved to hear representations regarding the Bill from persons interested in it and also to inspect some of the plantations in the State so that they might have first-hand knowledge of the conditions prevailing there. Accordingly on the 21st and 22nd October 1954, the members visited the Glendale Estate, Nonsuch Tea Estate, Farm Tea Estate, the Blenburn Tea Estate, the Prospect Tea Estate and the Government Cinchona Plantations, in the Nilgiris district.

6. The Committee has received written memoranda from (1) the Association of Planters of the State of Madras, (2) the Wynad Coffee Growers' Association, (3) the Vayitri Plantations, Limited, (4) the Auditors' Association of Southern India, (5) the Provincial Bar Federation, (6) the Madras Stock Exchange Association, Limited, (7) Sri A. V. Thomas, M.P., and (8) Dr. V. K. John, M.L.C., and on the 28th October 1954, it also heard oral representations from their representatives.

7. The Committee has subjected the Bill to a careful scrutiny.

8. The Committe considers that the differentiation made under clause 3 in respect of joint families should be removed and such families should be treated as one unit for purposes of taxation. The dividend received by an individual from a plantation company cannot be treated as plantation income and therefore cannot be made liable for agricultural income-tax under this Bill. It is only on company collectively that the State can levy a tax under this Bill. If a company can be treated as one unit, there is no reason why a joint Hindu family should not be treated as a single unit for the purposes of this tax.

9. The Committee has decided to levy a uniform rate of tax subject to a maximum of five annas and six pies in a rupee without any super-tax and has substituted the following for item (6) in the schedule :—

"(6) On the next Rs. 5,000 of total agricultural income.	Four annas in the rupee.
(7) On the balance of total agricultural income.	Five annas and six pies in the rupee."

10. The Committee has decided to exempt five acres in respect of tea and fifteen acres in respect of rubber, coffee, cardamom and cinchona from the payment of any income-tax and enable compounding of income-tax on acreage basis for the different plantation crops on the following basis, the assessee having in the alternative the option to submit the return and have the assessment fixed :—

Tea.

5 to 10 acres	..	..	..	Rs. 10 per acre.
10 to 20 acres	..	..	..	Rs. 15 per acre.

Rubber, coffee, cardamom and cinchona.

15 to 30 acres	..	..	..	Rs. 3 per acre.
30 to 60 acres	..	..	..	Rs. 5 per acre.

11. The other important changes made by the Committee are noted below :—

Clause 5.

This clause relates to the computation of agricultural income. The Committee considers it necessary that in computing the total agricultural income provision should be made for deducting also the interest paid on the amount borrowed for current expenditure and the bonus paid to the workers and have added new sub-clauses to that effect subject to the limits and the restrictions stated therein.

The Committee also decided to allow deduction for re-planting expenditure subject to a maximum of $2\frac{1}{2}$ per cent of the acreage for rubber and coffee, 1-2/3rd per cent for tea, 8-1/3rd per cent for cardamom and 10 per cent for cinchona.

It has added an explanation to item (*f*) as follows :—

"*Explanation*.—In this clause 'buildings' include all structures constructed with a view to provide amenities to workers as defined in the Plantation Labour Act, 1951 (Central Act LXIX of 1951, employed on the plantations."

An addition has also been made to the proviso under this clause to the effect that no depreciation would be allowed under this Bill if any depreciation is allowable under the Income-tax Act.

Clause 17.

Sub-clause (4) of this clause gives power to the Agricultural Income-tax Officer to cancel the registration of a firm for failure to make the prescribed return under clause 16. The Committee thinks that at least notice should be given by the Agricultural Income-tax Officer to the assessee to show cause within a time-limit to be prescribed why registration should not be cancelled and has added a proviso to this effect.

A new clause has also been added giving power to the Agricultural Income-tax Officer to make provisional assessment in advance of regular assessment.

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Clause 31 (*renumbered as* 32).

This clause refers to appeals against the orders of the Assistant Commissioner. The Committee has revised the fee payable under sub-clause (4) as Rs. 100 or 5 per cent of the sum appealed against, whichever is less and subject to a minimum of Rs. 25.

Clause 33 (*renumbered as* 34).

The Committee thinks that the Commissioner's power of revision should be defined and has accordingly amended sub-clause (2) on the lines of the Income-tax Act.

Clause 38 (*renumbered as* 39).

The Committee has added new sub-clauses to this clause empowering the Agricultural Income-tax authorities to impound and retain in custody any books of accounts, etc., and also to seize them subject to necessary safeguards for prevention of harassment by officials, for issue of receipt for articles seized and for protection to officials in the execution of their duty.

Clause 47 (*renumbered as* 48).

This clause provides that refunds should be claimed within three years after the expiry of the year of assessment. As there is no provision prescribing any period before which assessment is to be completed the Committee has amended the Bill so as to allow refunds for a period of three years after the expiry of the year of the assessment, " or one year from the date on which the assessment is completed, whichever is later."

Clause 57 (*renumbered as* 54).

The Committee has decided that instead of the existing provision for filing an application to the High Court a provision to file a revision petition to the High Court against the orders of the Appellate Tribunal should be provided for on the lines of section 12-B of the Madras General Sales Tax Act. The clause has been amended accordingly.

Clause 58 (*renumbered as* 55).

The Committee considers that the income-tax practitioners also should be enabled to appear as authorized representatives on behalf of assessees as in the Indian Income-tax Act and has decided to add a definition of the income-tax practitioner in sub-clause (2) and to make necessary changes in sub-clauses (1) and (3).

New clause after clause 66 (*renumbered as* 64).

As it is necessary to exempt such of the persons who are liable to agricultural income-tax from payment of surcharge under the Madras Land Revenue Surcharge Act, 1954, in respect of plantations held by them, a new provision has been added to the effect that where a landholder is liable to pay land revenue both in

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respect of a plantation and also in respect of land which is not a plantation, surcharge under this section shall be levied only on the land revenue payable in respect of such land but at the average rate applicable to the aggregate of the land revenue payable in respect of such land and such plantation. In cases where a person owns only plantations, he shall be exempt from the payment of surcharge on the land revenue payable on plantations.

12. The other changes made in the Bill are all shown in the copy of the Bill annexed. It was not considered necessary to refer to them in detail.

13. The Committee decided that the Bill should be republished.

14. A dissenting minute given by a member is appended.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
Dated 25th January 1955.

M. A. MANICKAVELU,
Chairman.

A Bill to provide for the levy of a tax on Agricultural Income from Plantations in the State of Madras.

[Published in the *Fort St. George Gazette*, dated 4th February 1955.]

CORRIGENDUM.

Clause 39, sub-clause (1), after item (i), insert the following item :—

" (ii) require any person whom he has reason to believe to be a trustee, guardian or agent, to furnish him with a return of the names of the persons for or of whom he is trustee, guardian or agent and of their addresses ;".

DISSENTING MINUTES.

(1)

We support the principle underlying this Bill intended to tax the agricultural income of pantations of tea, coffee, rubber and cinchona. On behalf of the Opposition, we have held from the beginning of this Assembly that the present system of land revenue should be replaced by a system of graded agricultural income-tax as the only means of relieving the poorer strata of the agriculturists from undue tax burden. It is an established fact that agricultural income-tax is the most equitable measure of taxing agriculture as a whole. Even though this Bill only relates to a part of the agriculture, we support it in principle.

Plantations in our country have developed and brought into existence huge companies owning thousands of acres whose initial capital is very negligible. The development has taken place by ploughing back the huge profits reaped from the industry itself. Plantation mainly depends on nature and the human labour for its development. The labour in the plantations is the most sweated. A careful study of the history of the plantations will

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show that the owners of the plantations have contributed very little by way of investments but have reaped huge profits as compared with other industries. Further, a large percentage of the acreage under plantation is held by foreign companies who carry the profits outside the country without ploughing back these profits for developing the national economy. It is but just that these profits which go out of our country should be mopped up as much as possible in the interest of developing our economy. Approached from this point of view, the rate of income-tax proposed in this Bill is negligible. The rate proposed for the companies is only As. 5–6 in the rupee on a flat rate. This we feel is very low.

The plantations have made, as we have already pointed out, huge profits. One of the companies whose capital is only Rs. 25 lakhs and owning about 4,000 acres of plantations have made a profit of Rs. 56 lakhs within a period of ten years. In addition to that, they have built up a fund for depreciation and reserve to the tune of Rs. 22 lakhs within the said period of ten years, after paying an over all dividend of 71 per cent.

Let us take another case, viz., the Chembra Peak Estates, Limited. Its authorized capital in 1944–45 was only Rs. 3,73,360. But by 1947–48, they have been able to increase their issued capital to nearly Rs. 10 lakhs by 'ploughing back' the profits and not by additional investment. In the course of ten years, between 1940 and 1950, this company has made a net profit of more than Rs. 21 lakhs, i.e., more than six times the original investment. All these figures are on the basis of the balance sheets submitted by the companies themselves.

Although the plantations are making huge profits, the service conditions of the workers who produce these profits have been neglected for nearly a century. Only recently, some legislations have been passed to ensure the minimum facilities. Even now, the wages range between 15 annas and Re. 1–6–0. The profit earned by the majority of the plantation owners go out of the country. Any State interested in the development of our country economy will try to lay its hands on these huge profits without any hesitation. The State will be justified even if they take over these huge estates which have earned profits several times the initial capital without even giving compensation so that the profits earned from them could be utilized for other nation-building activities. Viewed from this angle, the rate of tax proposed in this Bill will appear to be half-hearted and hesitating.

So we suggest that at least 10 annas in the rupee for incomes above rupees one lakh will be necessary.

Individual planters owning small estates need some protection. The provision for exemption and compounding for small planters is very meagre. The Plantation Act of 1951 laying down certain minimum amenities for the plantation workers will have to be borne by these small individual planters also. They are already groaning under the grip of the monopolists both for processing and for marketing their produce.

So we feel that the exemption limit should be liberalized. The limit of exemption proposed by the Select Committee is 5 acres in the case of tea and 15 acres in the case of other crops. We propose that this may be raised to 10 acres for tea and 30 acres for coffee, rubber and cinchona. If this is accepted, then the facilities for compounding the taxes for individual planters also must be extended. Majority of the Select Committee members have proposed compounding up to 20 acres for tea and up to 30 acres in respect of other crops. We propose that the compounding limit may be raised to 30 acres in respect of tea and 90 acres in respect of coffee, rubber and cardamom.

MADRAS, M. KALYANASUNDARAM.
February 4, 1955.

(2)

The proposals contained in the present Bill in spite of the modifications suggested by the Select Committee, impose a burden on plantations which is beyond their capacity to bear. No doubt at the meetings of the Select Committee, the rigour of the taxation measure is reduced to some extent but the modifications suggested by the Committee have not in my opinion gone far enough. As has been correctly pointed out in one of the memoranda " a measure of this kind should not act as a drag on efficiency, a penalty for success, or discouragement to expansion and improvement ". It is my conviction that the measure is bound to affect seriously the future of the plantation industry.

The Bill relates principally to three major industries—Tea, Rubber and Coffee.

Tea.—The tea industry depends largely on foreign markets for its existence. In view of this dependence on foreign buyers, the price of tea is subject to violent fluctuations. It is well known that the industry suffered an unexpected crisis in 1952 from the effects of which it is just recovering. In view of this and the need to maintain the foreign market, the position of the industry should not be weakened by adopting the high rates of taxation as are proposed now.

Rubber.—The rubber industry is having a difficult existence. It has no competitive position. The Government of India after due enquiry and an elaborate costing survey have granted tariff protection to rubber producers. There is of course a limit to the price which can be fixed for rubber, and the present controlled price is merely a subsistenee price. The future of the industry lies in the replacement of the old trees with the new high yielding strains developed by research for which surplus funds or Government subsidy are necessary. If under the guise of the new Bill, Government makes further exactions on rubber producers, their position would be rendered precarious in no time.

Coffee.—Coffee is purely an agricultural crop. I myself am a Coffee planter owning a Coffee Estate in the State of Mysore. Coffee requires a heavy investment of about Rs. 2,500 to Rs. 3,000 per acre until plants begin to yield. It takes 5 to 7 years for the

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coffee plants to bear fruit. The annual yield is dependent upon the vagaries of monsoon and weather conditions. One cannot be sure of getting an yield every year as in the case of the other plantation crops. Right up to 1940, the industry was in a state of chronic depression. The formation of the Coffee Board and the Coffee pool saved the industry from an utter collapse.

The Ministry of Industries and Commerce, Government of India, took upon itself the entire initiative in directing the marketing activities of the Indian Coffee Board at about the end of 1951. The result was financial embarrassment and difficulties to the producers of coffee in general. A substantial quantity of coffee which could have been sold at very profitable prices in foreign market after keeping enough of stock for the internal market, was allowed to accumulate and deteriorate in quality and had to be sold at much below basic price levels. The result was that the return to the grower in 1952–53 was less than the minimum return as determined by the Board.

The Coffee growing industry is one of the most highly taxed agricultural industries. Until the year 1944, no Excise duty was levied on coffee. An Excise duty of As. 3 per pound is now being levied over and above the Excise and Customs duties of Re. 1 per cwt. Even on the first sales by the Indian Coffee Board, sales tax is being levied. Since last year, the Central Government is levying an export duty of Rs. 67–8–0 per cwt. of coffee exported. The incidence of taxation will easily work out at not less than Rs. 180 per acre.

This apart, the Government of India has under consideration the proposal to impose central income-tax on a portion of the income from coffee on the ground that the processing of coffee is not an agricultural operation, but involves process of manufacturing.

In taxing the profits of coffee planters, due allowance has to be made for the highly fluctuating nature of the crop. The tax should be on a different basis from that of tea and rubber.

The timing of this new measure of taxation is certainly inopportune. The Minimum Wages Act has put up the cost of production by raising wages and the Plantation Act of 1951 which has come into force from 1st April 1954 has imposed a heavy recurring capital expenditure necessitating as it does the construction of hospitals and the provision for medical, educational and other amenities for plantation labour. According to the Chairman of the Indian Planters' Association of Jalpaiguri, the new legislation will cost an estate of 270 acres, as follows:—

	Capital expenditure. (1)			*Recurring expenditure.* (2)		
..	RS.	A.	P.	RS.	A.	P.
Total expenditure	4,44,070	0	0	1,05,885	0	0
Expenditure per acre under tea	1,644	11	3	392	2	8
Expenditure per worker	1,480	3	3	352	15	3
Expenditure per lb. of tea	2	12	4	0	10	7

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On account of the Industrial Disputes (Amendment) Act, 1951, the additional expenditure to the Industry through implementation of the provisions in respect of lay off of labour will be approximately Rs. 30 to Rs. 50 per acre per annum.

The Industry can devote funds for expansion only if it has enough surplus left after meeting all its current production expenses and statutory obligations. If taxes which rest on the balance, left after meeting current expenses are too burdensome, the expansion of the plantation industry is bound to suffer. Instead of increasing the acreage and production, the industry will stagnate and its capacity to employ more people or to contribute more revenue to the Government will be adversely affected.

Expansion of the coffee acreage has suffered very badly since 1952 although prior to it, expansion has been at the rate of nearly 5,000 acres per annum, for about 10 years. In rubber, there has been no notable progress in area since 1946.

The main reason for the slowing down of expansion and replantation is finance for we have ample and suitable for these crops and ample labour necessary for the task—particularly so with the possible ejectment of large numbers of experienced plantation workers from Ceylon.

The Government of India has appointed an Expert Committee to investigate on all aspects of the plantation industry. There is also the Taxation Enquiry Commission at work. The reports and findings of these committees are bound to throw light on facts concerned with the capacity of any agricultural or plantation industry to bear the burden of additional taxation and the most suitable and correct way of imposing fresh tax burdens.

Pending reports from these committees, one has reason to think that a levy of tax on a sliding scale on acreage basis would be more equitable. This will also save Government of enormous collection expenses. The Government will not have to incur additional expenditure, and the assessee of income-tax will be rid of the burden of rendering accounts to the satisfaction of officers, who may in some cases be of harassing type.

To a suggestion made by me to Sri A. V. Thomas, one of the witnesses examined before the Select Committee on 28th October 1954, he said that he would be in favour of a flat surcharge at the rate of Rs. 5 per acre in respect of tea and Rs. 3 per acre in respect of coffee and rubber. He has also suggested that as an additional a maximum of four annas for tea, three annas for rubber and two annas for coffee would work alright. The rates suggested by Sri A. V. Thomas, in my opinion, are very reasonable and could have been adopted.

Application of uniform taxation on all the three main industries may not be equitable. Coffee, rubber and tea are dissimilar in yield, prices, frequency of cropping and incidence of risks and hazards. A rate of taxation which may be borne by one may become unbearable for another.

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During the discussions held on 29th October 1954, I also took the view that in computing agricultural income, deductions allowed in the Income-tax Act should be incorporated in clause 5 of the Bill. The matter was made to lie over for further consideration.

At the meeting of 30th October 1954, the point was again stressed by me that what had been incorporated as proper allowances and deductions in the Income-tax Act and in the Travancore-Cochin Acts should be incorporated in the Bill. It was agreed that this question might be considered at the next meeting. The Committee assembled next on 30th November 1954. As the concessions indicated that day did not go far enough, I wanted my dissent should be recorded.

Taking all in all, the allowances and deductions contained in the Bill including those indicated at the meeting of 30th November 1954 are not far reaching and do not cover items of expenditure that are peculiar to plantations. It is absolutely necessary that all the principles recognized under the Indian Income-tax Act Law should be applicable to Agricultural Income-tax also. This apart, the expenses of the following type are quite common on plantations and should be fully covered :—

(1) Cess and subscriptions to Planting Associations.

(2) Subscription to Scientific Research Institutions.

(3) Accounting and audit charges.

(4) Directors' expenses and remuneration.

(5) Managing Partner's expenses and remuneration.

(6) Pension and gratuity payments to the staff.

(7) Workmen's Compensation Insurance Premia.

In addition to the above, the following deductions specifically provided for in the Travancore and Cochin Agricultural Income-tax Act, should also be incorporated in the present Bill :—

(*a*) Any interest paid in the previous year on any amount borrowed and actually spent on any capital expenditure incurred for the benefit of the land from which the agricultural income is derived.

(*b*) When the land from which the agricultural income is derived is subject to a mortgage or other capital charge, any interest paid in the previous year in respect of that mortgage or charge.

(*c*) Any interest paid in the previous year on any debt whether secured or not for the purpose of acquiring the land from which the agricultural income is derived.

(*d*) Any sum paid in the previous year as interest in respect of agricultural loans taken and expended on the land from which agricultural income is derived.

(*e*) Interest paid on any amount borrowed and actually spent for the purpose of reclaiming, improving or cultivating the property from which agricultural income is derived.

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Earned income allowance.—Whereas in the Indian Income-tax Act, there is provision for an earned income allowance which is exempt from tax, there is no such provision in the present Bill. It will be conceded that more energy and labour are spent in earning agricultural income than in the earning of business income. It is necessary therefore that an earned income allowance of not less than the allowance provided in the Indian Income-tax Act should be provided in the present Bill also.

MANGALORE, L. C. PAIS.
3rd *February* 1955.
GOVERNMENT ESTATE, MOUNT ROAD, MADRAS,
5th *February* 1955.

PROCEEDINGS OF THE SELECT COMMITTEE ON THE MADRAS PLANTATIONS AGRICULTURAL INCOME-TAX BILL, 1954 (L.A. BILL No. 30 OF 1954).

(As approved by the Chairman.)

Monday, the 27th September 1954.

The Select Committee met in the Committee Room, Fort St. George, at 11 a.m. on Monday, the 27th September 1954.

The following members were present :—

1. The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2. The Hon. Sri C. SUBRAMANIAM.
3. Dr. K. B. MENON.
4. Sri K. M. SEETHI SAHIB.
5. Sri S. DEIVASIGAMONEY.
6. Sri K. H. BOMMAN.
7. Sri S. KANDASWAMI GOUNDER.
8. Sri A. S. SUBBARAJ.
9. Sri K. RAJARAM NAIDU.
10. Sri M. KALYANASUNDARAM.
11. Sri L. C. PAIS.

The Secretary to the State Legislature and the Secretaries to Government in the Revenue and Law Departments were also present.

The Select Committee decided that the following persons and associations who had offered to give oral evidence before the Select Committee might be invited to be present at 11 a.m. on the 28th October 1954 at Fort St. George for the purpose of giving evidence :—

1. United Planters' Association of Southern India, Coonoor.
2. The Madras Stock Exchange Association, Limited, Madras.
3. The Madras Regional Council of the Institute of Chartered Accountants of India, Madras.

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4 Sri A. V. Thomas, M.P., Madras.

5 Vayitiri Plantations, Limited, Madras.

6 Wynaad Coffee Growers' Association, Kalpatta.

7 Sri H. C. Kothari on behalf of the Association of Planters of the State of Madras.

It was also decided that if any trade unions applied for permission to give oral evidence, such of them as might be selected by the Chairman might also be invited to be present on the same day to give evidence.

Sri M. Kalyanasundaram wanted that the balance sheets and auditors' reports for five years and administration reports, if any, of the planters' associations mentioned below might be sent for and made available to the members of the Select Committee. It was decided that they might be sent for—

1 Blue Mountain Estates, Oriental Buildings, Armenian street, Madras.

2 The Chembra Peak Estates, Limited, Kozhikode, Malabar.

3 St. Mary's Estate, Rev. E. Stitt, S.I.R.C.J. Mission, Iyampalayam Post, Batlagundu.

4 Sri A. Gopalakrishnan, Manager, Kottaram Plantations, Kalpatta, Malabar district.

5 The Manager, Vasambadi Estate, Yercaud, Salem district.

6 Scotforth Estate, Nagalur, Salem district.

7 Savamalai Estates, Valparai, Coimbatore district.

8 Korangundi Estate, Valparai, Coimbatore district.

9 Ouchterlony Valley Estates, the Nilgiris (office at Kozhikode).

10 The Prospect Estate and Seaforth Estate, Southern India Plantation Agency, Belmont, Coonoor.

11 Srikundra Estate/Stanmore Estate, Stanmore-Anamalai Estates, Valparai, Coimbatore district.

12 The Stanes Amalgamated Estates, Limited, Coimbatore.

The Select Committee also decided that the United Planters' Association of Southern India might be asked to give summaries of figures for all these plantations and also to make available sufficient number of copies of the same for distribution to the members of the Select Committee.

Sri S. Deivasigamani suggested that members of the Select Committee might be enabled to inspect some of the plantations so that they might have first-hand knowledge of the conditions there. The Hon. Sri C. Subramaniam stated that the Government would give the necessary facilities for the purpose. The members of the Select Committee thereupon proposed to meet at Coonoor at 2 p.m. on the 21st October 1954 and then arrange to visit some of the

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plantations. The United Planters' Association of Southern India was to be informed of the desire of the members of the Select Committee to inspect some of the plantations.

The next meeting of the Select Committee was fixed for 11 a.m. on the 28th October 1954 at the Committee Room, Fort St. George.

Thursday, the 28th October 1954.

The Select Committee met in the Committee Room, Fort St. George, at 11 a.m. on Thursday, the 28th October 1954. The following members were present :—

1 The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2 The Hon. Sri C. SUBRAMANIAM.
3 Sri K. RAJARAM.
4 Sri L. C. PAIS.
5 Sri K. H. BOMMAN.
6 Sri A. S. SUBBARAJ.
7 Sri S. KANDASWAMI GOUNDER.
8 Sri K. M. SEETHI SAHIB.
9 Sri M. P. SUBRAMANIAM.
10 Dr. K. B. MENON.
11 Sri S. DEIVASIGAMANI.
12 Sri M. KALYANASUNDARAM.

The Joint Secretary to the Legislature and the Secretary to Government in the Revenue Department were also present.

The Committee examined the Chartered Accountants' Association of India represented by Sri C. S. Sastry, Chairman, Sri V. Soundararajan, Secretary, and Srimathi Sivabogam, Treasurer, and the Madras Planters Association represented by Mr. L. Aldred, Sri A. V. Thomas, Sri H. C. Kothari, Sri Chandrasekaran, Sri N. B. Athrey, Sri P. Ramaswami Mudaliar, Sri H. D. Moses, Sri Dharmaraja Ayyar (Wynaad Coffee Growers' Association) and Sri M. Achuthan Nair (Wynaad Coffee Growers' Association). A summary of the evidence tendered by the witnesses[a] is appended.

The Hon. Sri C. Subramaniam promised to consider the various suggestions made by the witnesses.

The Committee then rose for lunch.

(After lunch—3 p.m.)

The Select Committee examined the delegation of the Madras Stock Exchange Association represented by Sri V. Rangachari, Sri S. Narayanaswami, Sri K. S. Vaidyanathan, Sri K. Venkataraman and Sri E. R. Krishnamurti. A summary of the evidence given by the delegation is appended (Appendix).

The Committee then adjourned to meet again at 11 a.m. on Friday, the 29th October 1954.

[a] Vide pages 619-624.

Friday, the 29th October 1954.

The Select Committee met in the Committee Room, Fort St. George, at 11 a.m. on Friday, the 29th October 1954. The following members were present :—

1 The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2 The Hon. Sri C. SUBRAMANIAM.
3 Sri K. RAJARAM.
4 Sri L. C. PAIS.
5 Sri K. H. BOMMAN.
6 Sri A. S. SUBBARAJ.
7 Sri N. MAHALINGAM.
8 Sri S. KANDASWAMI GOUNDER.
9 Sri K. M. SEETHI SAHIB.
10 Sri H. B. ARI GOWDER.
11 Dr. K. B. MENON.
12 Sri S. DEIVASIGAMANI.
13 Sri M. P. SUBRAMANIAM.
14 Sri M. KALYANASUNDARAM.

The Joint Secretary to the Legislature, the Secretary to Government in the Revenue Department and the Secretary to Government in the Law Department were also present.

Dr. K. B. Menon stated that this tax affected almost exclusively the West Coast as the purchasing power of the people in that area was already low and the imposition of this tax would further reduce their purchasing power and suggested that liberal concessions should be shown to that area in the matter of allowing deductions for expansion of the industry. He however made it clear that he was not against the imposition of the tax.

The Hon. Sri C. Subramaniam explained that the principle of utilizing the proceeds of a tax on the particular area from which it was mostly derived was not a sound principle.

Sri L. C. Pais stated that this tax savoured of discrimination between plantations agricultural income and the other agricultural income. He asked whether the Bill could be amended so as to cover all agricultural income giving power to the Government to exempt income other than the plantations agricultural income.

The Hon. Sri C. Subramaniam replied that in both cases the result was the same and that the consideration of the inclusion of all agricultural income was outside the scope of the Select Committee.

Sri M. Kalyanasundaram wanted information as to the acreage held by companies and private individuals and also how many of the companies were rupee companies and how many sterling companies.

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The Hon. Sri C. Subramaniam replied that there was no precise information but that roughly about 85 per cent of the plantation area came under the companies and also there was no information of the number of rupee and sterling companies.

Sri L. C. Pais asked whether it would not be preferable to levy a flat rate of surcharge pending the report of the Taxation Enquiry Commission and the Three-Man Committee on Plantations.

The Hon. Sri C. Subramaniam replied that from his discussion with the Taxation Enquiry Commission he could say that this measure was on lines which were acceptable to the Commission.

CHAPTER II.

Clause 3.

Sub-clause (1) was approved with the addition of the words and figures "commencing from the 1st April 1955" after the words "each financial year".

Sub-clause (2) was approved.

Referring to sub-clauses (3) and (4), the Hon. Sri C. Subramaniam said that, when the Bill was drafted, the idea was that in respect of a company the income of each of its shareholders should be assessed to tax under this Bill. But there was a legal difficulty. The Government of India had said that the dividend received by a shareholder was not plantations agricultural income and that the State Government could not levy a tax on it. Therefore the position was that the Government could only levy a tax on the income of the company collectively and could not extend the tax to each shareholder individually. So, when a company was going to be treated as one unit, he did not see any reason, why an undivided family should not also be treated as one unit. The Bill put the maximum tax at five annas and six pies (four annas as agricultural income-tax and one anna and six pies as super-tax) for a company and at ten annas for an individual or a family. He wanted to know whether this distinction between companies and individuals was necessary or whether a uniform rate might be applied.

After some discussion the Committee decided to remove the distinction and omit all references to super-tax. The following proposal to amend item (6) and adding a new item in the schedule relating to the rates of agricultural income-tax was made for consideration when the schedule was taken up:—

"(6) On the next Rs. 5,000 of total agricultural income.	Four annas in the rupee.
(7) On the balance of total agicultural income.	Five annas and six pies in the rupee.

Sub-clauses (3) and (4) were omitted.

Clause 4.

The clause was approved.

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Clause 5.

In item (*d*) for the words " any expenses incurred in the previous year on repairs ", the words " any expenses incurred in the previous year on maintenance and repairs " were substituted

As a consequence of this amendment, item (*h*) (v) was deleted.

In item (*e*) for the words " laid out or expended wholly and exclusively for the purpose of deriving the agricultural income ", the words " laid out or expended wholly and exclusively for the purpose of the plantation in the previous year " were substituted.

The Committee decided to introduce a further proviso to the effect that no depreciation would be allowed under this Bill if any depreciation is allowable under the Income-tax Act.

The following explanation was added to item (*f*) :—

" For the purpose of this section, buildings will include all structures constructed with a view to provide amenities to agricultural workers employed on the plantations."

The Committee made it clear that the term " worker " used in the above explanation should carry the same definition as was given in the Labour Code.

In the first proviso to item (*f*), for the words " full particulars ", the words " prescribed particulars " were substituted.

Item (*g*) was deleted and it was decided to add the following proviso at the appropriate place :—

" Provided that in a particular year the total replanting expenditure shall not exceed the amount necessary for replanting 2½ per cent of the acreage if the crop is rubber or coffee, 1-2/3 per cent if the crop is tea and 8-1/3 per cent if the crop is cardamom."

The Committee made it clear that the allowance for replanting should be allowed only if the amount was actually spent.

Sri H. B. Ari Gowder suggested that item (*h*) (iii) should be so amended as to include the cost of purchase or replacement of " plants ".

The Hon. Sri C. Subramaniam stated that a separate provision might be made in respect of plants.

The Committee agreed to the above suggestion.

The Committee then rose for lunch.

(After lunch— p.m.)

The Select Committee re-assembled after lunch and took up for consideration clause 5 of the Bill which was partly discussed in the forenoon. Sri L. C. Pais wanted that the provision in the Travancore-Cochin Agricultural Income-tax Act regarding deduction of " any sum paid in the previous year as interest in respect of

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agricultural loans taken and expended on the land from which the agricultural income is derived " in computing the agricultural income of a person should be made in the present Bill also. He also urged that such a provision was quite necessary in fairness to all those planters who had borrowed sums for the *bona fide* purpose of growing coffee, tea or rubber.

Sri K. Rajaram pointed out that if this suggestion was agreed to, it would result in discrimination in that a person who had invested his own money would be denied the benefit of this deduction whereas another, who borrowed money, would get the benefit.

The Hon. Sri C. Subramaniam said that such a provision would lead to abuse. There was the possibility of all people (those who invested their own money and those who actually borrowed money) manoeuvring to get this advantage saying that they all borrowed money.

Sri L. C. Pais pleaded strongly that the claims of the genuine borrowers should not be ignored on the ground that others were likely to abuse this provision.

Dr. K. B. Menon thought it fair that interest on loans taken from co-operative societies, scheduled banks, land mortgage banks and other institutions and also agricultural loans for expansion purposes should be deducted even though there was the risk of abuse.

Sri L. C. Pais urged that loans taken from other sources also should be taken into account for this purpose, because in the majority of cases the planter got money from the curer (and not from banks or Government) by hypothecating the crop.

The Hon. Sri C. Subramaniam pointed out that once this concession was given, it was likely that every planter mortgaged his estate on the plea of raising the working capital and thus get the advantage of deducting the interest.

After some more discussion, the Hon. Sri C. Subramaniam said that the question of fixing the rate of interest and also the maximum amount to be borrowed for current expenditure for purposes of deduction in computing the agricultural income would be considered.

The Hon. Sri C. Subramaniam, in reply to Sri Mahalingam, said that bonus to be paid to the workers (as defined in the Plantation Labour Act) to be included in the deduction would be examined and if necessary, provision would be made.

Clauses 6 and 7 were approved.

Clause 8.

In the Explanation to sub-clause (*b*) of clause (2), after the words " entitled to ", the words " the whole or " were added.

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Clause 9.

In line 2 of clause 9, after the words " agricultural income ", the words " of an assessee, all agricultural income " were added

Clause 10.

In sub-clause (*b*) the words beginning from " which has certified " and ending with " such company " were deleted.

The proviso under this clause was also deleted.

Clauses 11 and 12 were approved.

Clause 13.

Sub-clause (2) was deleted and clause 13 (1) was renumbered as clause 13.

The Select Committee adjourned to meet again at 10 a.m. on Saturday, the 30th October 1954.

Saturday, the 30th October 1954.

The Select Committee met in the Committee Room, Fort St. George, at 10 a.m. on Saturday, the 30th October 1954. The following members were present :—

1 The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2 The Hon. Sri C. SUBRAMANIAM.
3 Sri K. RAJARAM.
4 Sri L. C. PAIS.
5 Sri K. H. BOMMAN.
6 Sri A. S. SUBBARAJ.
7 Sri S. KANDASWAMI GOUNDER.
8 Sri K. M. SEETHI SAHIB.
9 Sri M. P. SUBRAMANIAM.
10 Sri M. KALYANASUNDARAM.
11 Dr. K. B. MENON.
12 Sri N. MAHALINGAM.
13 Sri H. B. ARI GOWDER.
14 Sri S. DAIVASIGAMANI.

The Joint Secretary to the Legislature and the Secretaries to Government in the Revenue and Law Departments were also present.

The consideration of the Bill, clause by clause, was resumed.

CHAPTER III.

Clause 14.

Clause 14 was approved.

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CHAPTER IV.

Clause 15.

Sri M. Kalyanasundram wanted that the Appellate Tribunal should be permitted to sit at more than one place to facilitate hearing of appeals. The suggestion was agreed to.

CHAPTER V.

Clause 16.

The Chairman moved that the following be added at the end of the main paragraph of sub-clause (4) :—

", or to furnish in writing and verified in the prescribed manner information in such form and on such points or matters (including with the previous approval of the Commissioner a statement of all assets and liabilities not included in the accounts) as such officer may require for the purposes of this section."

The amendment was approved.

Clause 17.

Sri L. C. Pais suggested that a proviso be added to sub-clause (4) on the following lines :—

" that notice shall be given by the Agricultural Income-tax Officer to the assessee to show cause within a time-limit to be prescribed why registration should not be cancelled."

The suggestion was agreed to.

New clause.

The Chairman moved that the following clause be added after clause 17 :—

" 18. *Power to make provisional assessment in advance of regular assessment.*—(1) The Agricultural Income-tax Officer may, at any time after the receipt of a return made under section 16, proceed to make in a summary manner, a provisional assessment of the tax payable by the assessee, on the basis of his return and the accounts and documents, if any, accompanying it, after giving due effect to the allowance referred to in section 12.

(2) A partner of a firm may be provisionally assessed under sub-section (1) in respect of his share in the firm's income, profits and gains, if its return has been received although the return of the partner himself may not have been received.

(3) A firm may be provisionally assessed under sub-section (1) as if it were an unregistered firm, unless the firm fulfils such conditions as the Government may, by notification in the *Fort St. George Gazette*, specify in that behalf.

(4) There shall be no right of appeal against a provisional assessment made under sub-section (1).

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(5) For the avoidance of doubt, it is hereby declared that the provisions of sections 39 and 40 apply in relation to any tax payable in pursuance of a provisional assessment made under sub-section (1) as if it were a regular assessment made under section 17.

(6) After a regular assessment has been made under section 17, any amount paid towards a provisional assessment made under sub-section (1) shall be deemed to have been paid towards the regular assessment; and where the amount paid towards the provisional assessment exceeds the amount payable under the regular assessment, the excess shall be refunded to the assessee.

(7) Nothing done or suffered by reason or in consequence of any provisional assessment made under this section shall prejudice the determination of the merits, of any issue which may arise in the course of the regular assessment under section 17.''

The amendment was accepted.

Clause 18.

Clause 18 was approved.

Clause 19.

The alterations suggested in the following amendments were agreed to :—

'' In sub-clauses (1) and (2), the word ' he ' before the words ' may direct ' to be changed as ' he or it '.''

Sub-clause (5) to be re-drafted as follows :—

'' (5) The Appellate Tribunal, the Commissioner or Assistant Commissioner shall, on making an order under sub-section (1), send forthwith a copy of the same to the Agricultural Income-tax Officer concerned.''

Clause 20.

Sub-clauses (2), (4) (ii), (6) and (7) were deleted.

Clause 21.

Dr. K. B. Menon suggested that the words '' four days '' occurring in sub-clause (2) be changed into '' seven days.''.

The suggestion was accepted.

Clauses 22 *and* 23.

Clauses 22 and 23 were approved.

Clause 24.

Sri Ari Gowder wanted that more than 30 days should be provided for intimating the discontinuance of business. The suggestion was not agreed to.

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The Hon. Sri C. Subramaniam stated that even the thirty days' time allowed in sub-clause (2) for intimating discontinuance of business was too long and suggested that fifteen days might do for the purpose. The suggestion was agreed to.

Clauses 25 *to* 27.

Clauses 25 to 27 were approved.

Clause 28.

It was decided that the word "branch" might be included after the word "family" wherever it occurred in the clause.

Clauses 29 *and* 30.

Clauses 29 and 30 were approved.

Clause 31.

The Hon. Sri C. Subramaniam suggested that the fee of one hundred rupees mentioned in sub-clause (4) be amended as follows :—

"a fee of one hundred rupees or 5 per cent of the sum appealed against, whichever is less, and subject to a minimum of Rs. 25."

The suggestion was accepted.

Clause 32.

Clause 32 was approved.

Clause 33.

The Chairman moved that sub-clause (2) might be revised as follows :—

"(2) The Commissioner shall not revise any order under sub-section (1) if—

(*a*) where an appeal against an order lies to the Appellate Tribunal, the time within which such appeal may be made has not expired; or

(*b*) where an appeal against the order has been made to the Appellate Tribunal, the appeal is pending before it; or

(*c*) the order has been made more than one year previously.

(3) Every application by an assessee under sub-section (1) shall be accompanied by a fee of 50 rupees.

(4) Any order passed under sub-section (1) shall be final subject to any reference that may be made to the High Court under section 57."

The amendment was accepted.

Clauses 34 *to* 37.

Clauses 34 to 37 were approved.

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Clause 38.

The Chairman moved that the following be added as sub-clause (3) :—

" (3) impound and retain in his custody for such period as he thinks fit any books of accounts or other documents produced before him in any proceedings under this Act :

Provided that the Assistant Commissioner or the Agricultural Income-tax Officer shall not—

(*a*) impound any books of accounts or other documents without recording his reasons for so doing; or

(*b*) retain in his custody any such books or documents for a period exceeding fifteen days (exclusive of holidays) without obtaining the approval of the Commissioner therefor."

The amendment was accepted.

The Hon. Sri C. Subramaniam felt that a provision to seize records relating to accounts was necessary and wanted the matter to be examined.

Clause 39.

The question whether the word " person " should be retained was discussed and the Committee decided to retain the same. It was also decided that the manner of collections should be as prescribed in the rules to be framed under the Act and not in the manner set forth in the clause.

The following verbal amendment was also accepted :—

" That the word and figures ' section 32 ' be changed into ' section 33 ' "

Clause 40.

Clause 40 was approved.

Clause 41.

The Chairman moved that the word " branch " be inserted between the words " members of such family " and " tarwad ". The amendment was accepted.

Clauses 42 *to* 46.

Clauses 42 to 46 were approved.

Clause 47.

The Chairman moved that the following be added at the end :—

" or one year from the date on which the assessment is completed whichever is later."

The amendment was accepted.

Clauses 48 *to* 52.

Clauses 48 to 52 were approved.

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CHAPTER IX.

Clauses 53 *to* 55.

Clauses 53 to 55 were omitted.

Clause 56.

Clause 56 was approved.

Clause 57.

It was decided to substitute section 12-B of the General Sales Tax Act for this clause.

Clause 58.

It was decided that the words " registered accountant " occurring in sub-clause (3) be changed into " chartered accountant ".

It was also decided to include after sub-clause (2) (ii) the definition of the words " Income-tax Practitioners " as defined in the Indian Income-tax Act and also to amend sub-clause (3) so as to include Income-tax practitioners.

Clauses 59 *to* 62.

Clauses 59 to 62 were approved.

Clause 63.

Sri K. M. Seethi Sahib suggested that the words " during such hours as may be prescribed " be inserted between the words " may " and " inspect ". The suggestion was agreed to.

Clause 64.

The Chairman moved that sub-clause (3) be redrafted as follows :—

" (3) All such rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fifteen days during the session in which they are so laid."

The amendment was agreed to.

Clauses 65 *and* 66.

Clauses 65 and 66 were approved.

New clause 67.

The Chairman moved that the following new clause be added after clause 66 :—

" 67. Where a landholder is liable to pay land revenue both in respect of a plantation as defined in the Madras Plantations Agricultural Income-tax Act, 1954, and also in respect of land

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which is not a plantation as so defined, surcharge under this section shall be levied only on the land revenue payable in respect of such land but at the average rate applicable to the aggregate of the land revenue payable in respect of such land and such plantation."

Sri M. Kalyanasundram instanced the case of persons who owned plantations and also other lands and who claimed exemption from the payment of both income-tax and the land revenue surcharge and wanted some provision to prevent such evasion.

The Hon. Sri C. Subramaniam explained that no surcharge was payable in respect of plantations and that where income-tax was levied, in the calculation of the slab the land revenue would be included. The Legal Department was asked to have the amendment redrafted on these lines.

Referring to the question of exemptions and compounding of income-tax, the Hon. Sri C. Subramaniam made the following suggestion :—

"That up to five acres in respect of tea and 15 acres in respect of rubber, coffee and cardamom be completely exempted from payment of any tax.

That in respect of tea from 5 to 20 acres a compounding fee of Rs. 15 per acre be levied or the assessee having the option to submit the return and have the assessment fixed.

That in respect of coffee, rubber and cardamom, between 15 and 60 acres, a compounding fee of Rs. 5 per acre be levied or the assessee having the option to submit the return and have the assessment fixed."

Sri L. C. Pais suggested a flat rate of tax of four annas in the rupee for tea, two annas for coffee and rubber and one anna for cardamom. The suggestion was not accepted.

Sri Ari Gowder stated that the condition of Indian-owned tea estates was very poor and in point of crop value, one acre of European-owned estate compared with as much as ten acres of Indian-owned tea gardens. As such, he pleaded that the exemption limit proposed in respect of tea estates, viz., 5 acres should be raised to 50 acres. The suggestion was not agreed to.

At this stage the Committee rose for lunch.

(After lunch—3 p.m.)

The Select Committee re-assembled after lunch and took up for consideration the question of the exemption and compounding limits. Dr. K. B. Menon stated that the exemption limits proposed in respect of the small growers were very low. Sri S. Deivasigamany also pointed out that the yield of the small growers was necessarily very low as they had not got the means to manure or look after the plantations properly. Sri H. B. Ari Gowder represented that if the exemption limits were not raised, they would be ruining the small growers. Even the U.P.A.S.I. had recommended that the exemption should be fixed at 50 acres as far as the

small growers were concerned. In the Nilgiris there were only 5,000 acres under tea as against 35,000 acres under potato and, if as stated tea brought in a large profit, the entire acreage under potato would have been converted into tea. The Hon. Sri C. Subramaniam pointed out that potato also gave a good return and, if tea yielded a good return only recently as stated by Sri H. B. Ari Gowder, it might have also been probable that the 5,000 acres of tea could also have been converted into potato crop.

After some further discussion, it was agreed that this matter would be considered again after getting reports from the Collectors and the District Agricultural Officers concerned regarding the income per acre of plantations owned by small growers.

The Schedule.

Dr. K. B. Menon stated that in regard to agricultural income-tax, they should be more liberal than in regard to income-tax and that the exemption limit should be on a par with the limit in regard to income-tax. The Hon. Sri C. Subramaniam pointed out that the risk in business was much greater than in agriculture and that was why a maximum of five and a half annas in the rupee was fixed in regard to agricultural income-tax as against fourteen and a half annas in the rupee in regard to income-tax.

The schedule was then adopted subject to the following alterations, viz., that the existing item (6) be omitted and the following added as items (6) and (7) :—

" (6) On the next Rs. 5,000 of total agricultural income.	Four annas in the rupee.
(7) On the balance of total agricultural income.	Five annas and six pies in the rupee."

Sri L. C. Pais again stressed that what had been incorporated as proper allowances and deductions in the Income-tax Act could also be incorporated in this Bill. He stated that there might be genuine cases of borrowing and the question of interest to be deducted for purposes of computing the agricultural income had yet to be settled. It was agreed that this question might be considered at the next meeting.

Clause 1.

Sub-clause (3) was omitted.

Clause 2.

Clause 2 was approved subject to the following changes :—

(1) The definition of ' assessee ' be redrafted as follows :—

" ' Assessee ' means a person by whom agricultural income-tax or any other sum of money is payable under this Act and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of his agricultural income or of the loss sustained by him or of the amount of refund due to him."

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(2) A new explanation be added as follows under clause 2 (*a*) :—

" *Explanation II.*—Agricultural income derived from such plantation by the cultivation of coffee, rubber, cinchona or cardamom means that portion of the income derived from the cultivation, manufacture and sale of coffee, rubber, cinchona or cardamom, as the case may be, as may be defined to be agricultural income for the purposes of the enactments relating to Indian Income-tax."

(3) Clause 2 (*a*) (ii) be redrafted as follows :—

" The performance by a cultivator or receiver of rent in kind of any process ordinarily employed by a cultivator or receiver of rent in kind to render the produce raised or received by him fit to be taken to market."

(4) A new definition be inserted as clause 2 (*d*) :—

" ' Aliyasantana family or branch ' means a family or branch governed by the Madras Aliyasantana Act, 1949 (Madras Act IX of 1949)."

The Select Committee then adjourned to meet again at 10 a.m. on the 30th November 1954.

Tuesday, the 30th November 1954.

The Select Committee met in the Committee Room, Fort St. George, at 10 a.m. on Tuesday, the 30th November 1954. The following members were present :—

1 The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2 The Hon. Sri C. SUBRAMANIAM.
3 Sri K. RAJARAM.
4 Sri L. C. PAIS.
5 Sri K. H. BOMMAN.
6 Sri A. S. SUBBARAJ.
7 Sri S. KANDASWAMI GOUNDER.
8 Sri K. M. SEETHI SAHIB.
9 Sri H. B. ARI GOWDER.
10 Sri K. B. MENON.
11 Sri M. P. SUBRAMANIAM.
12 Sri S. DEIVASIGAMANI.
13 Sri M. KALYANASUNDARAM.
14 Sri C. H. KANARAN.

The Deputy Secretary to the State Legislature and the Secretaries to the Government in the Revenue and Law Departments were also present.

The Revenue Department had circulated a Note regarding the points to be considered by the Select Committee at its meeting and they were taken up for consideration one by one.

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At the outset, Sri L. C. Pais brought to the notice of the Committee that at the meeting of the Select Committee held on 30th October 1954 he suggested a flat rate of three annas and not two annas for rubber as reported in the proceedings. It was agreed to have this noted in the proceedings.

Clause 5.

The new sub-clause (*k*) to clause 5 suggested by the department providing for deduction, in computing agricultural income, of interest on amount borrowed for current expenditure was first taken up.

Sri M. Kalyanasundaram wanted that the sub-clause should be amended so as to ensure that the borrowing was resorted to only in cases of genuine necessity as otherwise even persons who had no need to do so would resort to borrowing to get the advantage of this provision.

The Hon. Sri C. Subramaniam was of the view that it was better to make it explicit in the Act itself.

It was suggested that the words " for *bona fide* needs of " may be inserted after the word " borrowed."

Dr. K. B. Menon said that such a provision would lead to executive harassment.

Sri S. Deivasigamani was of the opinion that it would be difficult to prove before a court of law that the borrowing was for *bona fide* need.

The principle of the amendment was accepted and it was also agreed to provide specifically that the necessity for the loan was genuine with due regard to the assets of the assessee at the time.

Sri H. B. Ari Gowder moved that the maximum limit on borrowed amount should be raised to 50 per cent of the agricultural income.

After some discussion, it was agreed to increase the limit from 20 to 25 per cent.

The Law Department was requested to have the sub-clause redrafted with reference to the above decisions. The Hon. Sri C. Subramaniam said that the position might be reviewed after the Act had been in force for about a year.

The Committee then decided that the amount paid as bonus to the workers should be deducted in computing the agricultural income and added a new sub-clause (l) to clause 5 as follows :—

" (l) any sum paid to a worker as defined in the Plantations Labour Act, 1951 (Central Act LXIX of 1951), as bonus for services rendered where such sum would not have been payable to him as profits or dividend if it had not been paid as bonus;

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Provided that the bonus is of a reasonable amount with reference to—

(a) the wages and conditions of services of such worker;

(b) the income from the plantation in the year in question; and

(c) the general practice in plantations."

Sri L. C. Pais wanted it to be recorded that in his view all that had been incorporated as proper allowances and deductions in the Income-tax Act and in the Travancore-Cochin Agricultural Income-tax Act should also be incorporated in this Bill.

Clause 38.

The new sub-clause proposed by the department so as to empower the Agricultural Income-tax authorities to seize account books or documents in the custody of the planters was then taken up.

Sri K. M. Seethi Sahib wanted that the powers of the officers to enter the premises and seize the account books should be limited as often times the officers abused their powers.

The Hon. Sri C. Subramaniam was of the opinion that protection should be given to the officers in the execution of their duty.

Sri S. Deivasigamani suggested that, whenever accounts are seized, a search list should be prepared and that in case it is a dwelling house the lady members of the house should be given sufficient notice in advance.

The principle of the amendment was accepted subject to the addition of a proviso giving effect to the above suggestions.

The Chairman then pointed out that the reports called for from the Collectors of various districts and the Director of Agriculture on the question of exemptions and compounding of income-tax had been received and examined and that the limits for exemption and the limits and rates of compounding suggested by the Hon. the Minister for Finance and Education were reasonable and did not require modification.

Sri H. B. Ari Gowder pleaded for special consideration to small planters in view of the fluctuations in prices, their inability to avail of the scientific operations in respect of pruning, the eroded nature of the soil and the consequent inferior quality of the produce. He wanted that the exemption limit in respect of tea should be raised and that the compounding fees should also be revised.

The Hon. Sri C. Subramaniam gave the figures in respect of districts like Nilgiris, Madurai and Malabar and pointed out that as thousands of small growers would be exempt from this tax even under the proposed limit, there was no justification for revising it further.

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It was finally decided to revise the limits and rates as follows :—

" That up to 5 acres in respect of tea and 15 acres in respect of rubber, coffee, cinchona and cardamom be completely exempted from payment of any tax.

That in respect of tea from 5 to 10 acres a compounding fee of Rs. 10 per acre and from 10 to 20 acres a compounding fee of Rs. 15 per acre be levied, or the assessee having the option to submit the return and have the assessment fixed.

That in respect of coffee, rubber, cinchona and cardamom, between 15 and 30 acres, a compounding fee of Rs. 3 per acre and between 30 to 60 acres a compounding fee of Rs. 5 per acre be levied, or the assessee having the option to submit the return and have the assessment fixed."

Clause 5.

The following further points were considered with reference to clause 5. It was decided that the percentage deduction allowed as replanting expenditure for cinchona should be subject to a maximum of 10 per cent of the acreage. The proviso to clause 5 (*g*) was amended accordingly.

The Select Committee also reviewed its original decision to include the cost of purchase or replacement of plants in clause 5 (*h*) (iii) and decided to omit it in view of the provision made for depreciation in clause (5) (*f*).

Clause 38 (1).

Sub-clause (1) was recast as follows empowering the assessing authorities to call for information from a Hindu undivided family, an Aliyasanthana family or branch, a Marumakkattayam tarwad or tavazhi regarding the names, addresses and other particulars which may be required for assessment :—

" (i) require any Hindu undivided family, an Aliyasanthana family or branch, a Marumakkatayam tarwad or tavazhi prossessing separate property, firm or company, to furnish return of the names of all the members of the family branch, tarwad, tavazhi, firm or company, as the case may be, their addresses and such other particulars as may be required for the purpose of assessment."

Clause 58.

It was agreed to add in sub-clause (1) after the words 'an accountant' the words 'or an income-tax practitioner'.

The calculation of total acreage in respect of different plantation crops was incidentally raised and it was agreed to insert a proviso that in computing the total acreage one acre of tea plantation would be treated as equivalent to 3 acres of coffee, rubber cinchona or cardamom. The actual drafting of the provision was left to the Law Department.

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Clause 52.

The Committee decided to delete clause 52 as being repugnant to the provisions contained in the Criminal Procedure Code and to bring in an amending Bill, if necessary, later on.

The Committee authorized the Chairman to approve the further alterations in the Bill with reference to the above decisions and to sign the report.

The Committee resolved that dissenting minutes, if any, should be sent to the Secretary before the expiration of five days from the date of the receipt of the draft report by the members.

The Committee further resolved that the Bill should be republished.

The Select Committee then dispersed.

FORT ST. GEORGE, MADRAS, R. V. KRISHNA AYYAR,
30*th November* 1954. *Secretary to Legislature.*

Appendix

SUMMARY OF EVIDENCE TENDERED BEFORE THE SELECT COMMITTEE ON THE MADRAS PLANTATIONS AGRICULTURAL INCOME-TAX BILL, 1954, AT THE COMMITTEE ROOM, FORT ST. GEORGE, ON THE 28TH OCTOBER 1954.

1. *Sri C. S. Sastry (Chairman), Sri V. Soundararajan (Secretary), and Srimathi Sivabogam (Treasurer) of the Chartered Accountants' Association of India.*

Sri Sastry stated that his interest in the Bill was professional and wanted that in clause 58 (2) (iii) the word "accountant" should be defined so as to mean only a "chartered accountant" as chartered accountants were governed by an Act of Parliament. He also wanted that the words "registered accountant" appearing in clause 58 (3) should be suitably amended as "registered accountants" were no longer in existence. He also submitted that income-tax practitioners should not be permitted to represent an assessee as provided in sub-clause (1) of clause 58, for the reason that there was no law at present regulating the professional conduct of these men whereas there was a code of discipline prescribed for the "chartered accountants" under an Act of Parliament. The Hon. Sri C. Subramaniam stated that that question would be considered when the occasion for granting recognition to accountants in this behalf arose.

The witness further pointed out that there should be no limit set to the amount of tax exempted especially when the whole income was already taxed. He said that the words "six thousand rupees" occurring in the proviso to clause 10 should go.

The witness wanted that some provision should also be made for a reasonable depreciation being allowed on cost of developing the estate, replanting, new clearings and new plantations. To a suggestion from Sri M. Kalyanasundaram that the cost of replanting might not be much and that such expenses would come under

"agricultural expenses" provided for in the Bill, the witness said that he would be glad to accept that position but in practice he found such a provision would be necessary. The Hon. Sri C. Subramaniam said that it was necessary in this connexion to find out how much should go into the revenue account and how much into the capital account.

To a query from Dr. K. B. Menon the witness replied that depreciation was not sought in respect of land but of the plants on the land whose life was roughly estimated at forty years.

2. *Mr. L. Aldred (Chairman), Sri A. V. Thomas, Sri Chandrasekaran, Sri H. C. Kothari, Sri N. B. Athrey, Sri P. Ramaswami Mudaliar, Sri H. B. Moses, representatives of the Association of Planters of the State of Madras and Sri Dharmaraja Ayyar and Sri M. Achuthan Nair, representatives of the Wynaad Coffee Growers' Association.*

Mr. L. Aldred stated that he and other witnesses with him present at the meeting were members of the Madras Planters' Association. From time immemorial agriculture had been looked upon with a benevolent eye by the Government and the plantation industry occupied the position it did to-day because of the encouragement the Government of the day had always been giving it. There were to-day 300,000 acres under plantations in Madras State giving employment to something like 200,000 workers, with housing and other amenities provided for the workers and their dependants. Unlike heavy industries wherein rationalization was sought to be introduced, the plantation industry was purely "manual" and nothing should be done to halt this process of providing employment to a large number of people. He hoped that the process would go on if taxation was kept at a moderate level.

The witness put forward the following points for consideration by the Committee :—

(1) That extra provision should be made for depreciation on actual replacement cost and not on the book value. This principle had been accepted by the Labour Appellate Tribunal in India.

(2) That depreciation should be provided for in respect of replanting having regard to the economic life of the different plants which were subject to damage by disease, rats and insect pests. He suggested that in the light of the accepted normal age of the plants, namely, tea 60 years, coffee 40 years and rubber 40 years, a depreciation allowance of $2\frac{1}{2}$ per cent per acre in respect of rubber and coffee and $1\frac{3}{4}$ per cent in respect of tea should be made.

(3) That the Plantation Labour Act introduced in 1950 threw a heavy burden on the industry in that it had to compulsorily provide amenities to workers such as housing according to approved standards, maternity benefit, education, medical attendance, water-supply, drainage, etc., and that therefore some concessions should be shown either in respect of rates of tax or by way of exemption. He particularly stressed that small entities should be altogether exempted, that is those who owned 50 acres and less.

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(4) That cardamom and cinchona should be completely taken out of the purview of the Bill, as they were merely " catch crops ", whose economic life was only six years. Each acre under cardamom yielded only 75 lb. and the cash value of the gross produce was only Rs. 700.

To a suggestion from Sri L. C. Pais, Sri Thomas said that he would be in favour of a flat surcharge at the rate of Rs. 5 per acre in respect of tea and Rs. 3 per acre in respect of coffee and rubber.

Sri Thomas also stated that estates in Salem and Madurai yielded very much less in respect of coffee so that there was always the necessity to keep sufficient funds to maintain the estates during bad years. The proposed tax might hit such estates very hard.

The Hon. Sri C. Subramaniam pointed out that the figures furnished by the Association clearly showed that the estates had always made a profit and never incurred any loss.

The Hon. Sri C. Subramaniam explained that buildings, factories and the like in respect of which depreciation allowance was claimed concerned with the industrial process and not the agricultural process of the work and that therefore any representation in this regard should be made to the Central Government. As regards rubber factories, the matter was one for negotiation between the Central Government and the State Government. About depreciation on plants he stated that granting of some allowance in respect of replanting on a reasonable basis would be examined. He also stated the case of dry areas in the matter of granting exemptions from the tax and the question of granting certain depreciation allowance on new staff quarters and labour lines to be provided by the estate owners with reference to the Plantation Labour Act would be examined.

Sri Kothari pleaded for the dividends paid to shareholders being exempted from the tax as they were already paying a tax of 5½ annas in the rupee. Of course, the private proprietor might be dealt with as proposed in the Bill.

Mr. Aldred suggested that a uniform maximum of 4 annas be levied on both the shareholder and the private proprietor.

Replying to questions from Dr. K. B. Menon, Sri Thomas stated that the average profit per acre from coffee was Rs. 245 and that the investment was somewhere about Rs. 2,000. The entire profit was not distributed then and there to the shareholders. A portion of it was distributed and the balance was ploughed back into the industry.

In answer to a suggestion from Sri Dharmaraja Ayyar, the Hon. Sri C. Subramaniam stated that the question of exempting certain small plantations from payment of the tax and saving them the bother of maintaining accounts would be examined and that the Government would also consider the question of providing an alternative to the assessee of compounding the tax on an acreage basis up to a certain limit and levying tax at the prescribed rates beyond that limit.

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The representatives of the Associations were not in favour of the offer made in certain quarters of paying a lump sum of Rs. 75 lakhs to Government every year for the next three years in lieu of the proposed agricultural income-tax.

Sri Thomas thanked the Committee for allowing them the opportunity to express their views before the Committee. He said that profit motive was there in every industry and that was the only incentive to make industry prosper. There was the fear of about 2½ lakhs of workers being repatriated from Ceylon and no industry other than the plantation industry could provide them all with employment. If the burdens on the industry were made lighter, the industry could prosper, the people could prosper and the country at large could prosper. He concluded by saying that 4 annas for tea, 3 annas for rubber and 2 annas for coffee would work alright.

3. *Sri V. Rangachari, Sri S. Narayanaswami, Sri K. S. Vaidyanathan, Sri E. R. Krishnamurthi and Sri K. Venkataraman of Madras Stock Exchange Association.*

Sri V. Rangachari stated that the main function of their Association was to buy and sell stocks and shares of public joint stock companies of which plantation companies were in majority. They advised investors in regard to purchase of plantation shares by giving them an analysis of the balance-sheets of the plantation companies, etc. The total investment in the plantation industry in this State was about rupees eight crores.

The Association was interested in this Bill because all these investments were chennelised through its members and they looked at it from two main points of view, viz., (1) the effect of the tax on investors and how it was likely to affect dividends and ultimately share values, and (2) how it was likely to affect the plantation industry as a whole.

Though the Government of India were interested in the development of the plantation industry, the effect of this tax was likely to diminish the incentive of the investing public in the shares of the plantations, because dividends would go down to the extent to which the plantations, particularly rubber and coffee, had to bear this tax of five annas six pies in the rupee on their net earnings. This would in course of time affect the development of these two industries. As regards tea industry, forty per cent of its income was already assessed to income-tax by the Government of India. Therefore only sixty per cent of the profits of tea companies was liable for assessment under the proposed agricultural income-tax. Tea companies would, therefore, be affected as they had to pay twenty per cent of their net profits towards this tax.

The Taxation Enquiry Commission and the Plantation Enquiry Commission which had been appointed by the Government of India to go into the working of the plantations, had not yet submitted their reports. Therefore no scientific data regarding the

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assessment of the cost of production was available. Meanwhile the Madras Government had come forward with this Bill. Their Association was interested in seeing that the tax should not be so severe as to affect the investing habit of the people.

In reply to a question the witness stated that he would prefer a flat rate levy of two annas in the rupee. On being pointed out that the interests concerned themselves were more generous, the witness said that he would like the rate to be fixed at four annas in the rupee without the super-tax, in regard to rubber and tea. In the case of the coffee industry, they had made a different proposal in their memorandum as it was a marginal industry, and crops were not regular.

The incidence of this agricultural income-tax and the incidence of the obligations cast by the Plantations Labour Act would have a cumulative effect on the industry. Schemes like housing and hospitals for labour were to be debited to capital account instead of to the revenue account, and the companies had, therefore, to find large amounts for implementing these obligations. The Government of India who had kept in abeyance the implementation of the Plantations Labour Act for two years in view of the depressed condition of the tea market now wanted to implement certain provisions of the Act. In addition to this, these three industries had also to allow a sufficient margin to pay a dividend and also to plough back for rehabilitation purposes a portion of the profits.

Tea was no doubt a great earner of foreign exchange but its acreage was restricted by international arrangements. In the case of the other two industries, namely, rubber and coffee, the Government of India wanted money to be ploughed back into these industries. To plant an acre of rubber it would cost Rs. 4,500 and as regards coffee it would approximately be the same. This taken along with the implementation of the Plantations Labour Act would lead to curtailment of dividends which would in turn curtail the investing habit. Also in the present condition of the capital market no new companies could be floated and the existing companies had to find moneys from their own resources for further development. This agricultural income-tax of nearly thirty-five per cent on the net earnings would effectively cripple the future development of these industries. Further, eighty per cent of the share-holders holding three thousand rupees and below were middle-class people. It would be safe to say that sixty per cent of the capital investment was held by the middle-class people. Though some companies had declared dividends of 35 per cent, actually the share-holders got only a return of 7½ per cent as the shares had multiplied in value by four or five times. If dividends went down as a result of this taxation, the capital value would also automatically go down. On being pointed out that there were other causes also leading to falling prices in the share markets, the witness stated that the Government also should not add substantially to that risk. The witness wanted some continuity of policy and that it would be better to start low and gradually

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increase the rate of taxation. The Hon. Sri Subramaniam stated that this agricultural income-tax was going to be a permanent measure and that it would be better to have the rate of taxation fixed now so that there might not be any room for speculation in future. He further added that this tax would not come as a shock to the industry as sufficient notice had already been given.

Answering a question, the witness said that people would not be attracted to investing in new plantations unless a return of 7½ to 10 per cent was forthcoming. The Hon. Sri Subramaniam pointed out that plantation companies were declaring higher dividends than any other industry. The proposed agricultural income-tax was to be limited only to five and a half annas in the rupee, whereas the income-tax in regard to other industries was much higher. The witness said that there was provision for refund in regard to income-tax. Only the Corporation tax was not refundable. Here, in the agricultural income-tax the refund provisions did not apply to a person who was not an agricultural assessee. The only exemption given was that any sums exempted under clause 10 should not exceed one-sixth of the total agricultural income of the assessee or six thousand rupees, whichever was less. They could model the Bill on what was obtaining in Coorg where there was no provision for refund. Then the assessees would not be confused by the chapter on " Refunds ".

The witness requested the members of the Select Committee to consider the question of the abatment of this tax to the extent to which it would help both the rehabilitation of the industry and the investment on shares, as both the Governments at the Centre and the State thought it fit to dip into the pockets of the industry as they considered it prosperous enough to do so. He would quote the instance of Kannan Devan, the biggest single plantation in Travancore-Cochin State which had to abandon their manuring programme last year as they had to discharge their obligations under the Plantations Labour Act. In reply to a question as to how much money was actually spent on labour welfare by that company, the witness said that as it was a sterling company he could not give the figures.

As regards the rubber industry, the State did not have a very large area under rubber. There was no export market for rubber as the entire production was consumed internally. Though the rubber plantations were having a fair margin of profit, this tax would leave them no margin for rehabilitation purposes because the price of rubber was fixed by the Government and the annual output was also more or less the same in any particular estate.

To a question as to when this tax was going to be given effect to, the Hon. Sri Subramaniam said that the profits of 1954–55 would become assessable in 1955–56.

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REPORT ON THE VISIT OF THE MEMBERS OF THE SELECT COMMITTEE ON THE MADRAS PLANTATIONS AGRICULTURAL INCOME-TAX BILL, 1954, TO THE PLANTATIONS IN COONOOR AND OTHER PLACES.

(As approved by Chairman.)

In accordance with the decision arrived at at the meeting of the Select Committee on the Madras Plantations Agricultural Income-tax Bill, 1954, held on the 27th September 1954 in the Committee Room at Fort St. George that the members should visit some of the plantations so that they might have first-hand knowledge of the conditions there, the following members assembled at "Hampton", Coonoor, at 2-30 p.m. to chalk out their programme of visit to the plantations :—

1 Sri K. Rajaram.
2 Sri L. C. Pais.
3 Sri K. H. Bomman.
4 Sri S. Kandaswami Gounder.
5 Sri K. M. Seethi Sahib.
6 Sri M. P. Subramaniam.
7 Dr. K. B. Menon.
8 Sri S. Deivasigamani.
9 Sri M. Kalyanasundaram.

The Joint Secretary to the State Legislature and some representatives of the U.P.A.S.I. were also present. The following programme was fixed up :—

21st	Glendale Estate (Tea). Nonsuch Tea Estate.
22nd	Farm Tea Estate. Kotada Estate (Coffee). Glenburn Estate (Coffee and Rubber).
23rd	Silvercloud Estate (Coffee). Prespect Estate (Tea).

On the 21st evening the party visited the Glendale Estate and Nonsuch Tea Estate. On the 22nd the members (Sri H. B. Ari Gowder, M.L.A., a member of the Committee, was also present) visited the Farm Tea Estate, the Glenburn Estate, the Prospect Tea Estate and the Government Cinchona Plantations and the factory at Neduvattam. The visit to Silvercloud Estate and Kotada Estate was cancelled on account of bad weather.

At the request of the President, United Planters' Association of South India, the members of the Select Committee met the members of the Madras Planters' Association at the U.P.A.S.I. Buildings at 2-45 p.m. on the 22nd October 1954. Dr. K. B. Menon wanted certain figures in respect of the plantations they visited to be furnished. To an enquiry by a member of the

Select Committee, the President stated that on an average 1¼ workers per acre were employed in a tea estate, 3/5ths worker per acre in a coffee estate and 1½ workers in a rubber estate.

A summary of the information elicited by the members from the Planters and the representatives of the U.P.A.S.I. is appended (Appendix).*

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

Appendix

Glendale Estate.—This estate is owned by Messrs. Kothari and Sons. The total area under cultivation is 800 acres. There is a factory attached to the estate and the machinery in the factory is not, it is stated, quite modern. There are 75 workers in the factory only. Besides these more than 800 workers are employed in the firm. The annual output of the factory is about 8½ lakhs pounds of made tea. The average selling cost of tea is Rs. 3-6-0 or Rs. 3-7-0 per pound. One pound of made tea is got out of four pounds of green leaves. The yield per acre is 1,240 pounds of made tea per annum. On an average, one labourer per acre is employed. At present they have employed more than 1½ labourers per acre. The factory workers are paid Re. 1-4-0 per diem. The field workers are paid according to the number of pounds of green leaves they pluck, subject to a minimum wage. The total yield of the estate and the yield per acre from 1939-40 to 1953-54 are given below :—

Year.	Total yield. LB.	Yield per acre. LB.
1939-40	369,000	523
1940-41	413,942	586
1941-42	354,183	502
1942-43	357,803	507
1943-44	414,975	588
1944-45	510,000	722
1945-46	510,200	723
1946-47	570,800	808
1947-48	624,000	884
1948-49	582,000	824
1949-50	5[illegible]6,600	802
1950-51	687,000	973
1951-52	663,400	94[illegible]
1952-53	694,200	983
1953-54	873,500	1,238

Nonsuch Tea Estates, Limited.—This estate is managed by Europeans (Harrissons and Crossfield, Limited). The total acreage of the estate is 802. The Company is a Rupee-company and the majority of the share-holders are English people. There are two factories attached to this estate, the annual output of which is 7½ lakhs pounds of made tea. The machinery used in the factory

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is up-to-date. For instance, the rollers used in this factory have a capacity of 750 pounds. About 75 workers are employed in the factory. There is also a hospital attached to the estate. The annual expenditure for running the hospital is Rs. 35,000. Besides, free quarters for the workers and free education for the children of the workers are also provided. The yield per acre is 970 pounds of made tea per annum. The issued capital of the company is Rs. 16½ lakhs.

The Farm Tea Estate.—This is a small tea estate of 100 acres which is owned by a single proprietor by name Sri Gnanasiromani. There is also a factory attached to the estate. It is understood that for maintaining a factory, at least 300 acres of tea plantations will be necessary.

The average yield per acre is 850 pounds per annum. The reason for the decrease in the yield is that of height. The higher one goes, the lower will be yield. But the quality will be good. There are 75 workers in the farm and 6 in the factory. In rush season, they employ casual labour. Workers are paid according to the provisions in the Minimum Wages Act. The workers are also paid bonus. Last year 8½ per cent of the wages earned was paid as bonus. Free quarters and free medical facilities are also provided. The net profit for the last year ending March 1953 was Rs. 39,000. The investment including advances to the labourers, building, etc., is about 4 lakhs of rupees. The percentage of profit will work out to 10. The Proprietor and his son are working in the estate. But, they are not allowed to charge anything for their pay. The estate was purchased in the year 1944 for 1½ lakhs of rupees and then it was improved. They are building a new factory and the investment in this connection so far has been Rs. 25,000.

The re-planting of the estate will be done bit by bit. Rs. 5,000 will be required for re-planting one acre. This expense is for seven years, the minimum period by which the plants will begin to yield.

If the new Labour Code is implemented, a sum of Rs. 1,20,000 will, it was stated, have to be expended annually for an estate of 300 acres. The above sum does not include the expenditure on account of leave with wages. The recurring expenditure per worker per day may be Re. 1–4–0, excluding the expenditure on account of leave with wages.

Glenburn Estates.—Coffee, rubber and cardamom are grown in this estate. The total extent of the estate is 440 acres. The Manager of the estate was not able to give detailed figures because in the estates he was concerned only with production and the rest of the work was done by the Head office.

Prospect Tea Estate.—The extent of the estate is 1,967 acres. The number of persons employed is 2,700. Educational and medical facilities are provided for the labourers. Free quarters are also given to them. Last year 850 pounds of made tea per acre was produced.

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The approximate cost for new planting will be Rs. 2,000 per acre. The cost of maintenance will be Rs. 250 per acre per year. Manuring, shadowing, etc., will come to Rs. 35 per acre per annum. Normally, only after seven years the plants will begin to yield. In the year 1953–54 the production was 16 lakhs pounds of made tea.

One factory is attached to the estate and about 350 workers are employed in the factory. The company is a limited one and is a sterling company. For the past 20 years, this company is paying a dividend of 5 per cent. The total production per year from 1948–49 to 1953–54 are as shown below :—

Year.	Made tea per year. LB.
1948–49	1,208,551
1949–50	1,157,888
1950–51	1,280,793
1951–52	1,242,736
1952–53	1,604,581
1953–54	1,595,071

Government Cinchona Plantations.—As it was raining very heavily, the members were not able to visit the Cinchona Plantations. The factory was also closed. The members made some enquiries from the officer who was in the factory office and then returned to Coonoor.